

**AGENDA**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**March 26, 2024**  
**1:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PRESENTATION(S)**

1. Proclamation Celebrating 100 years of Boy Scout Troop 103
2. Retiree Recognition - Bernadette Williams
3. Retiree Recognition - Eric Smith
4. Update from Virginia Peninsula Community College

**D. CONSENT CALENDAR**

1. Authorization to Continue Leasing Flock Safety LPR Cameras
2. Grant Award - \$7,974 - Circuit Court Records Preservation Program
3. Grant Award - \$15,000 - Virginia DEQ CBPA Support Grant 2024
4. Grant Award \$9,164 - Virginia Conservation Assistance Program Funding - Brickyard Landing Park
5. Minutes Adoption
6. Resolution of Chesapeake Bay Preservation Ordinance Violation at 156 Spencer's Grant

**E. BOARD DISCUSSIONS**

1. Forge Road Scenic Roadway Protection
2. Government Center Update
3. Appointment - Eastern Virginia Regional Industrial Facilities Authority

**F. BOARD CONSIDERATION(S)**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

**I. CLOSED SESSION**

1. Consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice by the County Attorney; in particular, ownership and road maintenance status of the road known as Route 1101, Shellbank Drive, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia
2. Certification of Closed Session

**J. ADJOURNMENT**

1. Adjourn until 6 pm on April 3, 2024 for the Berkeley District Community Meeting

## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police

SUBJECT: Authorization to Continue Leasing Flock Safety LPR Cameras

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James City County Police Department was approved funding in the Fiscal Year (FY) 2023/FY 2024 County budget to lease Flock Safety LPR (License Plate Reader) cameras and have them installed in locations around the County. Ten systems were installed in FY23 with another eight systems planned for FY24. The cost of the program will eventually cost more than \$100,000 which requires the Board of Supervisors' approval.

The Flock Safety camera system has been very beneficial to the Police Department and the community. This system has resulted in positive outcomes in numerous cases including helping the Police Department locate stolen vehicles, arrest wanted persons, solve violent crimes, prosecute shoplifting cases, and locate missing and endangered people. It has also helped us assist other agencies in solving their cases and information from other agencies' Flock cameras have assisted us in solving James City County (JCC) cases. Flock Safety LPR cameras act as a deterrent to criminal activity in JCC. The system allows Officers, Investigators, and Crime Analysts to search for vehicles related to a specific crime and assists Officers in locating vehicles related to crimes. The system helps solve crimes and provide positive outcomes for our citizens. Adding the requested cameras in FY24 and future years to our system will improve our ability to solve crimes, arrest criminals, and locate missing and endangered persons.

The leasing and installation of the Flock Safety LPR cameras has been done through the JCC Purchasing Office using Sole Source procurement. The system is proprietary and is used by many other Law Enforcement agencies across Hampton Roads and the Commonwealth of Virginia that the Police Department can integrate with its system (including the Cities of Williamsburg, Newport News, and Hampton). Data being available between agencies is paramount when working to solve crimes and locate missing persons.

Adoption of the attached resolution will allow the Police Department to continue installing and leasing Flock Safety LPR cameras in FY24 and into the future. Future procurement will be done through standard means with funding coming from the Police Department's Operating Budget.

Staff recommends adoption of the attached resolution authorizing the Police Department to continue the installation and leasing of Flock Safety LPR cameras.

MLJ/ap  
AuthLseFlckLPR-mem

Attachment

## RESOLUTION

### AUTHORIZATION TO CONTINUE LEASING FLOCK SAFETY LPR CAMERAS

WHEREAS, the Police Department was approved funding in the Fiscal Year (FY) 2023/FY 2024 County budget to install and lease Flock Safety LPR (License Plate Reader) cameras and installed 10 cameras in FY23 that are now being leased; and

WHEREAS, the use of the cameras have proven to be instrumental to help solve violent crimes, locate stolen vehicles, arrest wanted persons, better prosecute shoplifting cases, and locate missing or endangered persons; and

WHEREAS, the Police Department wants to continue leasing existing Flock Safety LPR cameras and have additional Flock Safety LPR cameras installed which will eventually reach an aggregate cost of more than \$100,000; and

WHEREAS, Police Department staff will continue to work with Purchasing Office staff to ensure that all procurement policies and laws are followed moving forward for the installation and/or leasing of Flock Safety LPR cameras.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Police Department to continue installing and leasing Flock Safety LPR cameras.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

AYE    NAY    ABSTAIN    ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2024.

AuthLseFlockLPR-res



## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Elizabeth E. O'Connor, Clerk of Circuit Court

SUBJECT: Grant Award - \$7,974 - Circuit Court Records Preservation Program

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The State Library of Virginia has awarded Williamsburg/James City County Circuit Court a Circuit Court Records Preservation grant in the amount of \$7,974.

The grant will be used to repair and preserve James City County Deed Book 13 from 1911-1913, City of Williamsburg Land Book from 1929-1930, as well as James City County Land Book from 1927-1928, James City County Inspector of Oysters Quarterly Report from 1884-1892, James City County Oyster Deed Book from 1894-1932, and City of Williamsburg and James City County Law Book 11 from 1938-1953 for historical and genealogical purposes.

Staff recommends adoption of the attached resolution to appropriate these funds to the Special Projects/Grants Fund.

EEO/md  
GA-CirCtRecPrPrg-mem

Attachment

## RESOLUTION

### GRANT AWARD - \$7,974 - CIRCUIT COURT RECORDS PRESERVATION PROGRAM

WHEREAS, the Williamsburg/James City County Circuit Court has been awarded a Circuit Court Records Preservation Program (CCRP) grant from the State Library of Virginia in the amount of \$7,974; and

WHEREAS, the funding will be used for preservation of James City County Deed Book 13 from 1911-1913, City of Williamsburg Land Book from 1929-1930, as well as James City County Land Book from 1927-1928, James City County Inspector of Oysters Quarterly Report from 1884-1892, James City County Oyster Deed Book from 1894-1932, and City of Williamsburg and James City County Law Book 11 from 1938-1953 for historical and genealogical purposes.

WHEREAS, the grant requires no local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this grant and the following appropriation to the Special Projects/Grants Fund:

#### Revenue:

State - CCRP Program Grant	<u>\$7,974</u>
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#### Expenditures

CCRP Program Grant	<u>\$7,974</u>
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Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

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Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

#### VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2024.

GA-CirCtRecPrPrg-res

## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection Division

SUBJECT: Grant Award - \$15,000 - Virginia Department of Environmental Quality Chesapeake Bay Preservation Act Support Grant 2023

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On January 24, 2023, the Board of Supervisors approved a grant award of \$10,000 from the Virginia Department of Environmental Quality (DEQ) through the Chesapeake Bay Preservation Act (CBPA) Support Program. This initial funding from the CBPA Implementation Grant was utilized to assist 26 low-to moderate-income households with the costs of on-site septic tank pump-outs. Subsequently, on July 31, 2023, James City County (JCC) received an offer for a \$10,000 modification to the original grant agreement, aimed at funding up to 26 additional septic tank pump-outs for income-eligible households within the calendar year 2023. Further enhancing the program, on February 18, 2024, JCC was presented with a \$15,000 modification to the grant agreement. This modification, coupled with the \$3,875 balance remaining from the previous amendment, will finance up to 47 more septic tank pump-outs for income-eligible property households during the calendar year 2024. From this latest modification, \$1,000 is allocated to cover the costs of supplies necessary for the effective disbursement of the grant.

The Stormwater and Resource Protection (SRP) Division maintains a database and tracks the number of septic tanks in the County along with the septic tank pump-out dates provided by property owners. The database identifies which properties are delinquent, in that the County has no record of a septic tank pump-out in more than five years. Letters are sent to the property owners reminding them of the County Code requirement for pump-out every five years and requesting pump-out notification.

JCC has no program to provide septic tank pump-out financial assistance for those properties where the five-year pump-out has not been completed due to financial concerns by the property owner. This additional funding through the CBPA Implementation Grant would provide the means for the County to continue to assist in pumping septic tanks within the County exceeding the five-year pump-out requirement, improving water quality in County tributaries and the Chesapeake Bay. The SRP Division will continue to work with the Neighborhood Development Division on the income verification process required as part of the grant to identify eligible households.

If accepted, this most recent modification, along with the initial grant, aggregate to a total of \$35,000 in funding allocated for the support of septic tank pump-outs for income-eligible households. Acceptance of this latest modification extends the grant's operational period through the calendar year 2024, effectively nearly doubling the potential number of income-eligible property owners who can benefit from this program and providing an additional year for potential recipients to receive awards. The DEQ has elected to offer these supplementary funds to JCC this year in acknowledgment of the program's substantial benefits to low- to moderate-income households and its significant contribution towards enhancing water quality in our streams and rivers. With this augmented funding, staff anticipates extending support to even more families throughout the calendar year 2024.

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these funds and appropriate these funds to the Special Projects/Grants Fund.

TES/md  
GA-VDEQSepTkPO24-mem

Attachment

## RESOLUTION

### GRANT AWARD - \$15,000 - VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

#### CHESAPEAKE BAY PRESERVATION ACT SUPPORT GRANT 2023

- WHEREAS, the Stormwater and Resource Protection Division was offered a grant award modification of an additional \$15,000 by the Virginia Department of Environmental Quality (DEQ) through the Chesapeake Bay Preservation Act (CBPA) Support Program; and
- WHEREAS, the additional grant funding will be used to assist low- to moderate-income households in paying for on-site septic tank pump-outs during calendar year 2024; and
- WHEREAS, funding through this CBPA Implementation Grant would provide the means for the County to continue to assist in pumping septic tanks within the County exceeding the five-year pump-out requirement, improving water quality in County tributaries and the Chesapeake Bay; and
- WHEREAS, the grant requires no local match other than existing staff time to oversee the septic pump-out program.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this award modification from DEQ, and authorizes the County Administrator to execute those documents necessary to accept the grant and the following appropriation amendment to the Special Projects/Grants Fund.

#### Revenue:

State - DEQ CBPA Support Grant	<u>\$15,000</u>
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#### Expenditure:

DEQ CBPA Support Grant	<u>\$15,000</u>
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Ruth M. Larson  
Chair, Board of Supervisors

#### ATTEST:

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Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

#### VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2024.

## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator

SUBJECT: Grant Award \$9,164 - Virginia Conservation Assistance Program Funding - Brickyard Landing Park

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The Colonial Soil and Water Conservation District (CSWCD) has awarded James City County's Department of Parks & Recreation \$9,164 in Virginia Conservation Assistance Program cost-share funding for the purpose of conservation landscape planting at Brickyard Landing Park.

The Department of Parks & Recreation will use the \$9,164 towards the purchase of plant material for a demonstration riparian buffer garden at Brickyard Landing Park. The garden is being planned and planted as a joint volunteer project by the Historic Rivers Chapter of the Virginia Master Naturalists and the James City County Williamsburg Master Gardener Association. To date previous grant funds provided approximately 90 trees and woody shrubs, which were planted by a group of 25 volunteers including Master Gardeners, Master Naturalists, and other community members in November of 2023. The funds from the Virginia Conservation Assistance Program will be used for the purchase of approximately 1,500 native plants including grasses and perennials that will line the riverbank and the pathways through the garden.

The total cost of the plant material is estimated to be \$9,164, and these funds will cover the entire cost. The cost-share payment will be made based on actual cost receipts or invoices submitted to the CSWCD.

Staff recommends approval of the attached resolution to accept the cost-share funding in the amount of \$9,164 and authorizes the execution of documents to accept the Virginia Conservation Assistance Program funding.

AP/ap  
GA-VCAP\_BLP-mem

Attachment

**RESOLUTION**

**GRANT AWARD - \$9,164 - VIRGINIA CONSERVATION ASSISTANCE PROGRAM**

**FUNDING - BRICKYARD LANDING PARK**

WHEREAS, the Colonial Soil and Water Conservation District has made funds available through its Virginia Conservation Assistance Program Funding; and

WHEREAS, the purpose of the Virginia Conservation Assistance Program is to provide cost-share and technical assistance to address natural resource and stormwater concerns by assisting in the voluntary installation of certain stormwater Best Management Practices; and

WHEREAS, funds are needed to purchase plant material for a demonstration riparian buffer garden at Brickyard Landing Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$9,164 cost-share funding awarded by the Colonial Soil and Water Conservation District for the purchase of plant material for a demonstration riparian buffer garden at Brickyard Landing Park.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

AYE    NAY    ABSTAIN    ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2024.

GA-VCAP\_BLP-res

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**February 13, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Jr., Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

Ms. Larson noted the Pledge Leader would be introduced by Supervisor McGlennon.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Toby Velasquez Menjivar, at 5th grade student at Laurel Lane Elementary

Mr. McGlennon introduced the Pledge Leader and gave highlights of Toby's various interests and activities.

Toby led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

None.

**F. CONSENT CALENDAR**

None.

**G. PUBLIC HEARING(S)**

Ms. Larson acknowledged Mr. Tim O'Connor, the Planning Commission representative, at the meeting.

1. Z-23-0006/SUP-23-0025. Brickyard Landing Park Rezoning and Special Use Permit

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Mr. Ben Loppacker, Planner, addressed the Board noting Mr. Alister Perkinson, Parks Administrator for the Parks & Recreation Department, had submitted a request to rezone 1006 Brickyard Road to PL, Public Lands with a Special Use Permit (SUP) to allow for a community recreation facility. He stated the subject properties were located at 1006 and 990 Brickyard Road. Mr. Loppacker cited the specifics of the rezoning and SUP application included in the staff report in the Agenda Packet. He highlighted requirements of Section 15.2-2232 of the Code of Virginia, adding the Planning Commission had deemed the location and use to be consistent with the adopted 2045 Comprehensive Plan. Mr. Loppacker stated at its December 6, 2023, meeting, the Planning Commission voted 7-0 to recommend approval of the rezoning and SUP application to the Board of Supervisors, subject to the proposed conditions. He welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Mr. O'Connor, Planning Commission representative, addressed the Board noting the Planning Commission voted in support of the application as it allowed improvements to the Brickyard Landing Park and provided beneficial factors to the community. He noted the Planning Commission found the rezoning and SUP application consistent with the adopted 2045 Comprehensive Plan and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson thanked Mr. O'Connor.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

## 2. S-22-0027. 4525 William Bedford Parcel Designation Change

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Paxton Condon, Deputy Zoning Administrator/Senior Planner, addressed the Board noting Mr. Vernon Geddy had submitted a request on behalf of Mrs. Joanna Coronado to vacate the "Recreation Area" designation of a 0.75-acre parcel located at 4525 William Bedford in the Chanco's Grant subdivision. She cited the specifics of the memorandum included in the Agenda Packet. Ms. Condon advised a Declaration of Covenants and Restrictions for Chanco's Grant Section II was recorded, along with the plat, on May 29, 1987. She added Article III of the Declaration stated that the common area was to be managed and controlled by a homeowners association (HOA); however, an HOA for Chanco's Grant was never formed. Ms. Condon noted the developer of Chanco's Grant Section II retained ownership of the parcel until 2004, at which time the current owners purchased the lot at public auction. She further noted the parcel was never developed as a recreation area. Ms. Condon stated that in 2009, Mr. and Mrs. Coronado requested to vacate the plat and were denied on October 27, 2009. She stated approval of the vacation of the Recreation Area designation would alter the plat so it could become a numbered lot which would allow a single-family dwelling to be built on the lot. Ms. Condon noted staff recommended approval of this application to the Board of Supervisors and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.



Ms. Larson indicated there was no Planning Commission report on this item.

Ms. Larson opened the Public Hearing.

1. Mr. Vernon Geddy, Applicant representative, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Board noting Ms. Condon provided a clear overview of the circumstances. He highlighted additional details regarding the original developer and the nonfulfillment components which ultimately led to the property being auctioned and purchased in 2004. Mr. Geddy stated in 2009, Mr. and Mrs. Coronado had submitted a similar request which the Board denied. Mr. Geddy mentioned the Chanco's Grant community discussed the potential of establishing an HOA for Chanco's Grant to utilize the lot as a recreation area; however, after 14 years that still had not been accomplished. He advised the Declaration of Covenants for Chanco's Grant Section II had a set 35-year term, adding it was recorded in 1987 and expired in 2022. Mr. Geddy stated there were no covenants in effect, no HOA, and expressed his belief that this lot would never become a recreation area. He noted the property owners desired to build a single-family dwelling on the lot that would be consistent with the neighborhood, the adopted 2045 Comprehensive Plan, and would allow productive use of the property. Mr. Geddy requested the Board approve this request and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Mr. Icenhour asked if all covenants had been eliminated.

Mr. Geddy confirmed yes.

Mr. Hipple mentioned the lot was larger than most. He inquired about future subdividing.

Mr. Geddy replied absolutely not, adding a condition could be implemented if necessary.

Mr. Hipple asked if it would be recorded as one single lot.

Mr. Geddy replied yes.

Ms. Larson thanked Mr. Geddy.

2. Mr. Todd Cox, 2908 Richard Grove S, addressed the Board noting the lot in question backed up to his property, adding he was not in support of the application. He expressed his concern with procedural errors regarding lack of signage and that he only received one letter via the United States Postal Service regarding notification of this public hearing. He mentioned in the past HOAs were not always mandatory prior to the developments' completion. Mr. Cox noted Chanco's Grant Board acknowledged that the Chanco's Grant homeowners had a share in the property and that share would not go away. He stated that an HOA may be formed; however, it was not mandatory. Mr. Cox encouraged the Board to deny this request. He referenced and cited the County Code Section 24-242(a) Open space within major subdivisions, adding Chanco's Grant subdivision fell within those guidelines of the County Code. Mr. Cox stated he had reached out to the property owners a couple of times with no contact back. He mentioned he had requested documentation on the 35-year term termination; however, to date he had not received the requested documentation. Mr. Cox asked the Board that the requested documentation be provided prior to a decision being made on this application. He reiterated his request to the Board to deny this application.

3. Mr. Frederick Smith, 2901 John Proctor W, addressed the Board noting he agreed with the statements of Mr. Cox, his neighbor. He requested the Board provide more transparency.

4. Mr. Dillon Tulip, 2904 Richard Grove S, addressed the Board noting he resided on the property adjacent to Mr. Cox. He expressed the importance and value of the green space in Chanco's Grant. Mr. Tulip mentioned neighborhood kids played and enjoyed that area. He hoped the Board would vote in support of preserving the green space.

5. Ms. Mary Pugh, 2908 Francis Chapman W, addressed the Board noting her concerns of potential property value depreciation if development were to occur, water and sewage extension would be required, and a demand for additional public services, water, increased taxes, etc.

Ms. Larson addressed Ms. Pugh noting she may be referring to the potential rezoning of a larger space in the Chanco's Grant subdivision. She further noted the Board was not considering that application this evening and clarified the application being considered was regarding the potential rezoning of one lot from recreation to residential. Ms. Larson added there was not a set date for the other application at this time, adding the two applications were not intermingled.

Ms. Pugh asked if the Board could provide a visual display of where the lot was located on the map. She noted her deed mentioned the recreation area was required to the homeowners of Chanco's Grant. Ms. Pugh expressed her appreciation for the recreation area. She mentioned the close-knit community in Chanco's Grant. Ms. Pugh noted one of the reasons she decided to move to Chanco's Grant was because it did not have an HOA. She expressed her desire to keep the recreation area as is highlighting the sense of privacy. Ms. Pugh thanked the Board.

Ms. Larson thanked Ms. Pugh.

Ms. Larson closed the Public Hearing as there were no additional speakers.

Ms. Larson asked Mr. Kinsman about the claimed verbiage on the deed aspect and the County Code Section 24-242(a) Open space within major subdivisions concerns.

Mr. Kinsman replied he would discuss the required covenants aspect and he would most likely defer the County Code Section 24-242(a) policy to Mr. Paul Holt, Director of Community Development, and/or Ms. Christy Parrish, Zoning Administrator. He mentioned he had a copy of the covenants and was happy to provide the requested documentation to Mr. Cox as he requested. Mr. Kinsman cited the Declaration of Recreation Article 10, Section 1: "The covenants and restrictions of this declaration shall run with and bind the land for a term of 35 years from the date this declaration is recorded." He advised it was recorded in 1987 confirming it was in fact expired, adding any property rights that the Chanco's Grant homeowners had regarding the lot had expired. Mr. Kinsman touched on the red rezoning signage that was mentioned earlier and clarified that was not required by the Code of Virginia. He noted the County had practiced that standard for many years; however, the practice was recently discontinued. Mr. Kinsman further noted the public notice aspect was adhered to with regard to the Code of Virginia requirements.

Ms. Parrish addressed the Board noting she would address the concern regarding the County Code Section 24-242(a) policy. She noted to her knowledge the Chanco's Grant subdivision was created prior to that requirement. Ms. Parrish indicated new major subdivisions developed today would have to adhere to that requirement.

Ms. Larson thanked Ms. Parrish.

Mr. Icenhour asked if the expired covenants requiring the established HOA were voluntary or mandated.

Mr. Kinsman requested a few minutes to review the documentation.

Mr. Icenhour mentioned he and Mr. McGlennon were on the Board during the first case

application in 2009. He remarked he reread the minutes and comments regarding the application and from his recollection the reason for denial in 2009 was to allow the Chanco's Grant community to establish a voluntary HOA. Mr. Icenhour explained that in order for that piece of property to exist, taxes had to be paid on it. He reiterated the Board's intent to allow the Chanco's Grant community the opportunity to set up this property as an established recreation area; however, that did not occur. Mr. Icenhour expressed his concern of the unknown temporary covenant aspect. He added this circumstance was an eye-opener and he expressed his concern on how these communities are set up to ensure these issues did not occur in the future.

Ms. Larson expressed the community opportunity over several years to establish a voluntary HOA within the community. She noted the Declaration of Recreation had since expired and the property owners had rights. Ms. Larson anticipated even if the Board denied the application today, the applicant would continue to come before the Board to request a parcel designation change and it would be approved at some point as there were no legal bindings. She noted no one should be on the property except for the property owners. She asked Mr. Kinsman for clarification on that point.

Mr. Kinsman confirmed yes. He added to Mr. Icenhour's question regarding the voluntary or mandated aspect of the HOA. Mr. Kinsman stated it was set up as an association; however, the definition had changed drastically from then to now. He mentioned this particular association was rudimentary, noting control of all common area. Mr. Kinsman added the developer was supposed to give that lot to the HOA at some point; however, that did not occur. He reiterated the fact that the covenants had expired and any Chanco's Grant homeowner rights had terminated.

Mr. Icenhour asked if the HOA was never really formed.

Mr. Kinsman replied he was unsure. He stated it was legally formed within the document; however, whether it was actually formed or not he did not know.

Mr. Icenhour mentioned he had experiences with other communities within his district where the neighborhood had a functioning HOA and essentially it went defunct due to lack of directorship, adding these concerns were had in smaller communities. He thanked Mr. Kinsman.

Mr. Hipple mentioned he had questions for Mr. McGlennon and Mr. Icenhour as they were Board members during the first application in 2009. He asked if the Board reasoning for the denial of the parcel designation change was to allow a voluntary HOA to be formed by the Chanco's Grant community.

Mr. McGlennon confirmed yes, adding the referenced minutes for that meeting indicated the community's desire to collectively establish a voluntary HOA; however, that was not accomplished.

Ms. Null agreed to Ms. Larson's point.

Ms. Larson requested Ms. Condon back to the podium. She asked if this lot would be for one single-family dwelling only.

Ms. Condon replied correct.

Ms. Larson mentioned Mr. Hipple's point of no potential subdividing or anything of that nature.

Ms. Condon replied no, adding subdividing would not be permitted based on area requirements within that zoning district.

Ms. Larson thanked Ms. Condon.

Ms. Larson noted staff would provide a joint presentation for Agenda Item Nos. 3 and 4 prior to holding separate public hearings.

3. SUP-23-0022. Westport Subdivision Tie-In to James City Service Authority

A motion to Approve was made by James Icenhour, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Terry Costello, Senior Planner, addressed the Board noting Ms. Karlyn Owens, on behalf of the James City Service Authority (JCSA), had applied for two SUPs to install two water main connections within the Westport and Liberty Ridge subdivisions. She stated the purpose of these installations was to connect the two independent water systems to the JCSA's central system. Ms. Costello indicated that both subdivisions were considered by-right major subdivisions. She cited the specifics of the SUP application included in the staff reports in the Agenda Packet. She noted the proposed locations of both water main locations would be within the street-rights-of-way and both locations include areas outside and inside the Primary Service Area (PSA). She highlighted various beneficial factors. Ms. Costello stated the County's Utility policy strongly discouraged utility extensions outside the PSA. She noted staff found that public utilities outside the PSA was inconsistent with the adopted 2045 Comprehensive Plan. Ms. Costello further noted staff was unable to recommend approval to the Board of Supervisors due to the inconsistencies with the 2045 Comprehensive Plan and the County's Utility policy. She cited Section 15.2-2232 of the Code of Virginia requirements noting the local Planning Commission shall review to determine whether the location, character, and extent of the project was consistent with the 2045 Comprehensive Plan. Ms. Costello stated the Planning Commission voted 5-2 to find these proposals consistent with the 2045 Comprehensive Plan. She noted at its December 6, 2023, meeting, the Planning Commission recommended approval of these applications by a vote of 5-2. Ms. Costello further noted staff recommended approval, subject to the proposed conditions. She welcomed any questions the Board might have and representatives from JCSA were available as well.

Ms. Larson thanked Ms. Costello.

Ms. Larson asked if any Board members had questions.

Mr. Doug Powell, General Manager of JCSA, 119 Tewning Road, addressed the Board acknowledging Ms. Karlyn Owens, JCSA's Engineer, was in attendance. He mentioned he would speak to both SUP applications collectively. Mr. Powell noted it was an unusual request; however, there were some significant benefits to JCSA's customers if the application requests were approved. He discussed the JCSA Water System noting the system was comprised of the central system in addition to eight independent systems and displayed a visual on the PowerPoint presentation. Mr. Powell noted approximately 60,000 customers were served via JCSA's central system. He indicated the water source was groundwater and the primary source of water came from the Five Forks Water Treatment Plant in addition to other smaller production wells. He identified the independent water systems on the map displayed on the PowerPoint presentation. Mr. Powell noted Westport and Liberty Ridge were directly adjacent to the central system and to the PSA along Centerville Road. He discussed and displayed the proposed extensions for Liberty Ridge and Westport on the PowerPoint presentation. He touched on the various reasons for the proposed extensions which included: avoidance of rehabilitation costs at the W-4 Facility, corrosion control, and identification of system vulnerabilities and risks. Mr. Powell noted public utilities already existed outside the PSA. He further noted Westport and Liberty Ridge were already served by public water systems owned and operated by JCSA. Mr. Powell mentioned if the SUPs were approved with the proposed conditions recommended by Planning staff then no other lots could connect to the JCSA water

line other than lots already platted without an SUP amendment. Mr. Powell highlighted the beneficial factors of the proposal which included the following: additional redundancy and improved fire protection, avoidance of rehabilitation expenses associated with older well facilities, maintain capacity at a lower cost, fewer Virginia Department of Environmental Quality and Virginia Department of Health permits, and reduced water production costs. He concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple expressed his concern of subdivisions with their own well systems end up being taken over at a loss to James City County. He discussed his point in further detail. Mr. Hipple noted Liberty Ridge had lost a few lots; he asked if those lots were included in this proposal.

Mr. Powell replied he was unsure of the lots Mr. Hipple was referring to but if the lots were not currently platted those lots could not be served without an SUP amendment.

Mr. Hipple asked Mr. Kinsman if those lost lots were included in this proposal.

Mr. Kinsman replied no, those lots in question were not platted.

Mr. Hipple asked if the lots were platted at one time or never platted at all.

Mr. Kinsman replied the lots were never platted.

Mr. Hipple reiterated his concern regarding the tie-in to the JCSA central system.

Mr. Icenhour mentioned a policy change in relation to subdivisions and central well systems. He discussed the challenges regarding the independent water systems outside the PSA. Mr. Icenhour noted these two were the exception based on proximity. He further noted he did not have an issue supporting this request as there were significant consumer benefits and financial incentives. He expressed his opinion that a precedent would not be set based on this approval as the decision was ultimately based on the proximity factor.

Mr. McGlennon expressed his concern with supporting these tie-in approval requests; however, he understood the JCSA beneficial aspect of it as well. He stated in other cases there were generally broader public benefit in terms of health and safety.

Mr. O'Connor, Planning Commission representative, addressed the Board noting Mr. Powell had summed it up very well. Mr. O'Connor noted ultimately the Planning Commission voted to recommend approval of these applications as the public benefit outweighed the restriction of the 2045 Comprehensive Plan as far as not providing those services outside the PSA. He informed Mr. Hipple that the central well requirement had been removed to avoid future instances such as this. Mr. O'Connor welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson thanked Mr. O'Connor.

Ms. Larson opened the Public Hearing for the Agenda Item No. 3.

Ms. Larson closed the Public Hearing as there were no speakers.

#### 4. SUP-23-0023. Liberty Ridge Subdivision Tie-In to James City Service Authority

A motion to Approve was made by James Icenhour, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

## **H. BOARD CONSIDERATION(S)**

### **1. SUP-23-0026. 206 The Maine Detached Accessory Apartment**

A motion to Approve was made by James Icenhour, the motion result was Failed.

AYES: 1 NAYS: 4 ABSTAIN: 0 ABSENT: 0

Ayes: Icenhour Jr.

Nayes: Hipple, Larson, McGlennon, Null

Ms. Tess Lynch, Planner II, addressed the Board noting at its January 9, 2024, Regular Meeting, the Board postponed this application due to concerns regarding the occupancy of the detached accessory apartment and the potential for future occupancy by a non-family member. She further noted Planning staff added, with the concurrence of the applicant, a new SUP condition addressing the occupancy. Ms. Lynch stated staff had confirmed with the applicant, on behalf of the property owners, that occupancy of the single-family dwelling and/or the detached accessory apartment would be limited to family members only. She noted staff recommended approval of the application, subject to the proposed conditions. Ms. Lynch welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Ms. Larson thanked the applicant and property owners for their willingness to limit the occupancy to just family members. She asked Mr. Kinsman if the SUP ran with the land or the owner.

Mr. Kinsman replied the SUP conditions ran with the land, adding the next owner would require occupancy of family members only.

Ms. Larson thanked Mr. Kinsman.

Mr. Hipple inquired about future occupancy if the property was sold and how the County determined that family members were occupying either the single-family dwelling and/or detached accessory apartment.

Mr. Holt replied an additional SUP condition had been included. He stated if the application were approved the resolution would be recorded at the Williamsburg/James City County Courthouse, adding any documentation and/or title search would show up there. Mr. Holt noted immediate family was specifically defined as reflected in the Subdivision Ordinance in relation to family subdivisions. He further noted if Planning staff received a complaint then staff would visit and assess the property to ensure all SUP conditions were being followed.

Mr. Hipple expressed his concern of effectively validating future occupancy. He spoke to that point in further detail.

Mr. Holt replied that other than a complaint there were challenges to that point.

Mr. Hipple expressed he was not insinuating lack of honesty or nonadherence; however, he mentioned the confusion aspect.

Mr. Holt replied that was true for any SUP uses across the County. He mentioned the beneficial

aspect of the County utilizing a private sector tracking system to monitor short-term rentals; however, currently there was not a system developed to track other SUP uses.

Mr. McGlennon asked if this was new construction or an existing structure.

Ms. Lynch replied the desire was to build a detached garage to include an accessory apartment above the garage.

Mr. McGlennon asked if the detached accessory apartment would be occupied by the family's son.

Ms. Lynch confirmed yes.

Mr. McGlennon inquired about the timeline of obtaining the Certificate of Occupancy, adding he thought it was a year.

Ms. Lynch confirmed yes.

Mr. McGlennon thanked Ms. Lynch.

2. Staff Appointment to the Middle Peninsula Juvenile Detention Commission

A motion to Reappoint Ms. Sharon McCarthy to the Middle Peninsula Juvenile Detention Commission for a term to expire June 30, 2027, was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

3. Amend the Board's adopted calendar to add a Board Retreat on March 2, 2024, at 8 am at the Law Enforcement Center, 4600 Opportunity Way, Williamsburg, VA

A motion to Amend the Board's Adopted Calendar to Add a Board Retreat on March 2, 2024 at 8 a.m. at the Law Enforcement Center 4600 Opportunity Way, Williamsburg, Virginia was made by Barbara Null, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon noted on Sunday, February 11, 2024, he attended a service for the passing of Ms. Mary Ann Oyer, the widow of Mr. Edwin Carl "Quill" Oyer. He further noted that on February 1, 2024, he attended the Virginia Association of Counties (VACo) Annual Local Government Day at the General Assembly. He stated he had the opportunity to speak with each of the County's state legislators and address concerns and support. Mr. McGlennon elaborated in further detail.

Ms. Larson expressed concern with applicants for various uses attempting to gain approval from the General Assembly opposed to dealing with the locality directly. She referenced short-term rentals as an example. Ms. Larson explained that as a Board it has collaborated with VACo to attempt pushback regarding that point. She highlighted a 90% approval rate regarding SUP applications, adding each decision was made with County citizens best interests in mind. Ms. Larson expressed significant concern regarding the rights of localities potentially being taken away. She thanked Mr. Kinsman and lobbyists for all efforts keeping the Board up to date on this matter. Ms. Larson noted she attended the VACo Annual Local Government Day and attended the Chair Institute, adding she, Mr. Stevens, and Supervisor McGlennon conducted a presentation. She commented that she and Mr. Stevens met with the Chair of York County and the York County County Administrator to address future traffic-related concerns due to a

recently approved warehouse on the Williamsburg Pottery property. Ms. Larson noted she had attended a County staff meeting at the James City County Marina to discuss current and future improvements on-site.

Mr. Hipple thanked Ms. Larson for meeting with York County staff to address future traffic-related concerns. He mentioned the new apartments being constructed on Old Mooretown Road, adding to his knowledge York County was not planning on conducting a traffic study. Mr. Hipple expressed his concerns regarding traffic impacts. He reiterated his thanks to Ms. Larson for her efforts.

Ms. Larson expressed condolences to her former colleague on the Williamsburg-James City County School Board, Ms. Elise Emanuel, for the recent loss of her husband.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens noted he had nothing to report.

Mr. McGlennon expressed his desire to report that Mr. Stevens hosted the recent Community Conversations event. He mentioned it was well attended and very informative.

Mr. Stevens thanked Mr. McGlennon. He expressed positive remarks of the event and thanked Mr. Brad Rinehimer, Assistant County Administrator, and Police Chief Mark Jamison, for conducting presentations and County staff for all efforts coordinating the event. Mr. Stevens also thanked the Board members who attended.

**K. CLOSED SESSION**

None.

**L. ADJOURNMENT**

1. Adjourn until 1 pm on February 27, 2024, for the Business Meeting

A motion to Adjourn was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 6:20 p.m., Ms. Larson adjourned the Board of Supervisors.



**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**February 27, 2024**  
**1:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**C. PRESENTATION(S)**

1. Clean County Commission Annual Report

Ms. Peg Boarman, Chair of the Clean County Commission, addressed the Board with the Commission's Annual Report. She began the PowerPoint presentation with an introduction of the Clean County Commission's members. Ms. Boarman added Powhatan District still needed a representative as well as a second Commissioner for Roberts District. She highlighted the Great American Cleanup, which occurred in March 2023, in the PowerPoint. Ms. Boarman provided statistics for the event which included the number of volunteers, volunteer hours, and other data. She expressed appreciation for the volunteers and their work. Ms. Boarman continued the PowerPoint highlighting the 45th Annual County-wide Litter Cleanup which was held April 2023 and the Arbor Day Plant-A-Tree Ceremony at Freedom Park. She noted another event held was the Clean the Bay Day in June 2023. Ms. Boarman stated the Clean County Commission also participated in educational events such as the Fido Fest, the Family Fun Fest, and the Harvest Fest. She noted one highlight of the year centered on the Repair Fair and Recycling Expo. Ms. Boarman provided details on the event, adding it was well received by the community. She noted the Clean County Commission partnered with the Water Wise Garden and Human Services Center on programming. Ms. Boarman added the Clean County Commission also partnered with the Pollinator Garden at Veterans Park and the James City Lions Club. She noted the Volunteer Appreciation Will Barnes Day Picnic, held annually in June, in recognition of his legacy to the County. Ms. Boarman provided additional information on the event. She addressed the Good Neighbor Grants program and its beautification projects in the community. Ms. Boarman continued the presentation providing details on the Virginia Peninsula Clean Business Forum Awards. She noted the forum was sponsored by James City County, the Cities of Hampton and Newport News, and York County. Ms. Boarman noted several Stonehouse District businesses had been recognized previously. She encouraged businesses active in environmentally-friendly practices with adopted green initiatives from the

other districts to submit applications. Ms. Boarman thanked all the volunteers, adding 922 volunteer hours at 256 events had been logged. She provided information for community involvement with the Clean County Commission. Ms. Boarman announced Ms. Rachel West as the new Chair for the Clean County Commission in the upcoming year. Ms. Boarman noted she would be stepping down, adding it had been a difficult decision. She continued the presentation highlighting upcoming events. Ms. Boarman shared a video of Clean County Commission members and various events that had been attended. She noted Ms. West was unable to attend the meeting but wanted to share her thoughts via the video.

Ms. Larson asked if the Board had any questions for Ms. Boarman.

Ms. Boarman noted she would be back to still talk trash to the Board.

Mr. Hipple stated he had a question, adding he was very appreciative of all of Ms. Boarman's hard work over the years. He referenced the presentation highlighting the total volunteer hours, adding if those hours were paid then that information could be incorporated to show citizens the savings generated by the work of the Clean County Commission and its efforts. Mr. Hipple noted the savings to the community with the volunteer hours and not paid staff to pick up trash.

Ms. Boarman responded she had done that once previously but would work on incorporating that information into future presentations.

Mr. Hipple thanked Ms. Boarman.

Mr. McGlennon noted he had no questions, but he congratulated Ms. Boarman on her leadership during her tenure. He referenced the annual award in Ms. Boarman's name that was given in recognition of volunteers in the community. Mr. McGlennon commended the Clean County Commission for its work at many events and throughout the area.

Ms. Boarman thanked Mr. McGlennon. She commended Ms. Andrea Case and Ms. Regina Jackson as County staff members who assisted with the many events.

Mr. Icenhour extended his appreciation to Ms. Boarman. He noted the significance of the Will Barnes Picnic.

Ms. Boarman noted Board member attendance at the picnic and other events was greatly appreciated.

Ms. Larson asked when Ms. West would begin as the Chair of the Clean County Commission.

Ms. Boarman responded at the March 7, 2024, Clean County Commission meeting.

Ms. Larson asked Ms. Boarman how long she had been the Clean County Commission's Chair.

Ms. Boarman responded she had co-chaired with Mr. Barnes from 2010-2016. She added she moved into the Chair position in 2016. She cited some historical points of her time as originally it was a committee and then later became a commission in 1981. Ms. Boarman noted she had volunteered since 1979.

Ms. Larson noted that was tremendous and she extended her thanks to the Clean County Commission members. She expressed her appreciation of Ms. Boarman's educational and informative updates to address litter in the County. Ms. Larson noted Ms. Boarman's influence on her regarding personal attention to trash in the County. She thanked Ms. Boarman for her education and influence and the longevity of her volunteering commitment.

Ms. Boarman noted trash was a continual problem. She thanked the Board members for their

kind words.

Ms. Larson thanked Ms. Boarman.

## 2. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board noting his quarterly update covered the last quarter of 2023. He noted 442 of 510 maintenance work orders were completed, adding that was an 87% completion rate. Mr. Carroll stated some highlights included Norge Lane drop-in repair off Route 60, sinkhole and pipe repair at Nature's Way, Mount Laurel Road ditch repair, Route 60 pipe repairs, ditching in Brookhaven and several other locations, and tree and shrub clearing on Jamestown Road near the County-side of the Jamestown-Scotland Ferry. Mr. Carroll noted current project highlights included hit guardrail repairs. He added 95 of 97 identified hit repairs were completed. He further noted improvements to the Richmond Road bicycle path and sidewalk improvements with a projected completion date of the end of October 2024. Mr. Carroll stated the bridge project over Diascund Creek, adding many people referenced that area as the Hicks Island area, was ahead of schedule. He noted the pipe replacement on Route 60 between Route 30 and the New Kent County line prior to the unbonded concrete project for that area. Mr. Carroll addressed the completed projects in the closeout process. He noted upcoming projects included the Longhill Road Shared Use Path, Croaker Lane four-lane widening, Pocahontas Trail Reconstruction Phase One, a new hydraulic system on the Jamestown side of the Jamestown-Scotland Ferry pier, asphalt work, and others. Mr. Carroll referenced the PM5V, plant mix schedule, for various James City County roads this summer. He added the PM5V schedule was approximately double lane paving and cost as last year in the County. Mr. Carroll stated the Interstate 64 four-to-six lane widening project from the New Kent County line back to James City County was included in upcoming projects. He added the estimated completion date for that project was fall 2027. Mr. Carroll continued the update for County safety projects and provided details. He noted 2025 projects included work at Route 5, Greensprings Road, and the Centerville Road junction, as well as Old Stage Road and Route 30 across from School House Lane. Mr. Carroll stated those projects were currently in the Secondary Six-Year Plan and collaboration between County and VDOT staff would occur regarding project funding. He provided additional details on the projects. Mr. Carroll noted several traffic studies had occurred and he detailed the locations and results.

Ms. Larson thanked Mr. Carroll and asked the Board if there were any questions.

Mr. Icenhour asked for an update on Airport Road and Old Mooretown Road. He noted implementation of a potential traffic circle rather than a traffic light.

Mr. Carroll noted VDOT was currently in the pre-scoping phase of that intersection. He stated that project was funded through VDOT's SMART SCALE program, but it would not go to construction in the next year or two.

Mr. Icenhour noted it would be several more years before construction.

Mr. Carroll confirmed yes.

Mr. Icenhour stated it was fully funded.

Mr. Carroll confirmed yes, adding it was in the Secondary Six-Year Plan.

Mr. Icenhour thanked Mr. Carroll.

Mr. Hipple referenced the new curb on Route 60 in Toano near the former McKown's Store. He

noted the left turning issue at that location but stated the curb at Church Lane allowed for more turning access. Mr. Hipple asked Mr. Carroll to check the McKown's Store area. He thanked Mr. Carroll and VDOT for the Route 60 project, adding residents in that area of the County were pleased with the road raising project.

Mr. Carroll noted that much work had been done along Route 60.

Mr. Hipple agreed and noted it was very helpful.

Discussion ensued.

Mr. Hipple referenced the sound barriers coming down Route 60 near Rochambeau Drive. He noted he had received citizen concerns regarding the sound barriers.

Inaudible comments.

Mr. Carroll noted the contractor was also required to complete a sound study as part of the design-build project. He further noted those results could potentially impact the sound barrier locations.

Mr. Hipple asked if the design-build team would hold a public hearing to gather public input.

Mr. Carroll noted a public hearing was typically held initially. He added that once design began if issues arose that pertained to a certain area, then a meeting would be held with those communities. Mr. Carroll noted he would review that design-build to see if another public hearing would be available.

Mr. Hipple thanked Mr. Carroll. Mr. Hipple noted the two traffic lights near the Williamsburg Pottery. He further noted one was unnecessary and questioned if traffic lights were ever removed.

Mr. Carroll responded not generally, adding removal could be done.

Mr. Hipple asked if the traffic light could be repurposed to another location.

Mr. Carroll said no to relocation. He noted he was unsure who would pay for it. Mr. Carroll stated that traffic light was included as part of the development and agreement from the development would be needed. He noted future plans and development for that area were also factors. Mr. Carroll favored a blinking light status but added a large number of U-turns off Route 199 in that area. He noted the blinking light would eliminate the U-turn phase.

Discussion ensued.

Mr. Hipple asked if VDOT could review the first light coming out of Lightfoot to become a blinking light. He noted the second light could then be an actual working traffic light.

Mr. Carroll noted a need for the light at that location but that he would work with the County.

Mr. Icenhour stated as part of the need assessment there should be a study to identify the number of times traffic cones have that entrance to the Williamsburg Pottery blocked off. He noted approximately 90% of the time he traveled that way, traffic was blocked off from entering or exiting at that traffic light. Mr. Icenhour stated the owner had placed the barricade there so it was not a useful entrance or exit.

Mr. Carroll noted VDOT was the owner/operator. He stated after the development was built, then VDOT maintained the traffic light. He added the entrance from Lightfoot, though currently

coned off, was the entrance for access behind the Williamsburg Pottery. Mr. Carroll noted he was unsure of long-range plans for that area.

Ms. Null addressed the left turn heading north or west and the property there. She noted the property was under contract for an assisted living facility and the commercial use would have access with that traffic light. She cited some specifics to the road and the property.

Mr. Carroll suggested the flashing yellow and red sequence for the traffic light.

Ms. Null concurred that option was great.

Mr. McGlennon asked if the Gate House Farms issue off Neck-O-Land Road had been resolved. He added it focused on the intersection between Gate House Boulevard and Neck-O-Land Road.

Mr. Carroll asked if Mr. McGlennon was referencing the drainage test.

Mr. McGlennon confirmed yes.

Mr. Carroll replied he was unsure but he would look into that issue.

Mr. McGlennon asked Mr. Carroll to contact him regarding a final resolution. He added he was pleased with the Pocahontas Trail Phase One plans. Mr. McGlennon noted the start date for those plans was approximately two years out.

Mr. Carroll confirmed the May date was the award date.

Mr. McGlennon questioned the timeline and relaying information to citizens. He noted citizens were hoping for another public meeting for updates. Mr. McGlennon questioned if any property acquisition would be involved prior to advertisement or related matters.

Mr. Carroll noted he would get back with Mr. McGlennon on those points.

Mr. McGlennon thanked Mr. Carroll.

Ms. Larson asked about some trees closely bordering Route 5. She noted due to beaver damage there was concern the trees would fall into the road, adding she thought that area was VDOT property.

Mr. Carroll noted that was VDOT property and VDOT was aware of the issue.

Ms. Larson stated she had received concerns from several people. She requested an update on the bicycle path cleanup schedule. Ms. Larson added the County was checking pond levelers near Route 5 due to beaver activity.

Mr. Carroll noted the ongoing struggle with that point.

Ms. Larson thanked Mr. Carroll.

Mr. Carroll thanked the Board.

#### **D. CONSENT CALENDAR**

Ms. Larson asked if any Board member wished to pull any item(s).

1. Board Appropriation - Chesapeake Bay Mitigation Fund - 4113 South Riverside Drive - \$21,125

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

2. Compensation Plan and Personnel Policies Agreement with Clerk

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

3. Contract Award - \$123,750 - Replacement Emergency Medical Services Supervisor Vehicle

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

4. Dedication of the Streets in Phase 2 of the Landfall at Jamestown Subdivision

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

5. Grant Award - \$1,500 - LOVE Sign

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

6. Minutes Adoption

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

The Minutes Approved for Adoption included the following meetings:

- o December 1, 2023, James City County Board of Supervisors Joint Meeting with Williamsburg City Council and Williamsburg-James City County School Board
- o January 9, 2024, Regular Meeting
- o January 23, 2024, Business Meeting

Ms. Larson noted she wanted to draw attention to two items. She stated the first was the dedication of the streets in Phase 2 of the Landfall at Jamestown subdivision. Ms. Larson noted the subdivision was in Mr. McGlennon's district but had previously been in the Berkeley District for many years. She inquired if these roads were the last ones for dedication. Ms. Larson noted Ms. Toni Small, Director of Stormwater and Resource Protection Division, acknowledged yes with a head nod. Ms. Larson thanked Ms. Small for the confirmation. Ms. Larson then asked Ms. Elizabeth O'Connor, Clerk of the Circuit Court, if she would come forward for an introduction. She noted Ms. O'Connor had served as the Acting Clerk when Ms. Mona Foley, former Clerk of the Circuit Court, retired prior to Ms. O'Connor's election in November 2023. Ms. Larson stated Item No. 2 regarding the Compensation Plan and Personnel Policies Agreement was for the Clerk of the Circuit Court.

Ms. O'Connor confirmed yes.

Ms. Larson inquired if all the necessary parties had worked with Ms. O'Connor to establish the compensation plan and personnel policies.

Ms. O'Connor confirmed yes, adding Mr. Kinsman and Mr. Brad Rinehimer, Assistant County Administrator, had been very helpful. She thanked the Board for its review and support of the materials.

Ms. Larson thanked Ms. O'Connor for the opportunity to introduce her.

Ms. O'Connor thanked Ms. Larson.

## **E. BOARD DISCUSSIONS**

Ms. Larson asked if Mr. Stevens would address Item No. 1.

Mr. Stevens noted he would introduce Mr. Dayle Gallagher, Director of Real Estate Assessments Division, to address the reassessment process. He stated Mr. Gallagher had a short presentation followed by any questions from the Board.

### **1. Real Estate Assessments**

Mr. Gallagher addressed the Board stating one responsibility of the Real Estate Assessments Division was to determine fair market value. He began the PowerPoint presentation identifying fair market value. Mr. Gallagher detailed the components of a mass appraisal. He noted the analysis began with recent sales and provided criteria used. He stated the goal was to ensure the database contained sufficient information for verification of an arm's-length sale transaction and that the sale price reflected the market value of the real property. Mr. Gallagher noted many steps were taken by real estate assessors when sales occurred. He highlighted the number of residential sales used over the past two years, adding James City County performed biennial reassessments. Mr. Gallagher noted all sales were required to be submitted to the state. He added that disqualified sales were coded with an explanation as to the reason and the analysis was based on the remaining sales.

Mr. McGlennon referenced the biennial total of 2,488 and asked if that number was representative of approximately 7.5% of residential properties in the County as turnover in the past two years.

Mr. Gallagher responded possibly. He continued the presentation highlighting the preliminary results of the reassessment based on property classes. Mr. Gallagher noted the property classes were agricultural, commercial, residential, and multifamily. He further noted the residential results were based on valuation not revenue, adding the overall County residential increased 21%. Mr. Gallagher used four County neighborhoods as examples for the changes in median sales price and median assessed value. He cited factors that drove the market were location and price range. Mr. Gallagher displayed an example of the reassessment impact for years 2023 and 2024 using the median value at the \$0.83 tax rate.

Mr. Icenhour asked if the median value for a home in the County was \$411,000.

Mr. Gallagher replied that it was now. He continued the presentation displaying the reassessment notice postcard and the breakdown for the property.

Mr. Icenhour questioned the mail date for the postcards.

Mr. Gallagher noted the postcards would be mailed on February 29, 2024. He stated upon receipt of the postcard, homeowners would question the increase. Mr. Gallagher addressed options available to homeowners which included appealing the reassessment to the Board of Equalization (BOE).

Ms. Vickie Hogg Nase, a real estate broker for 43 years and an appraiser for 21 years, addressed the Board. She noted she had served on the BOE since 2014. Ms. Nase stated assessments were mailed to homeowners in February. She detailed the steps of the assessment process if a homeowner had questions. Ms. Nase noted the appraiser reviewed square footage, number of bedrooms, number of bathrooms, fireplaces, and other features that impacted the appraisal. She further noted if the homeowner was still dissatisfied with the review, then the homeowner received the BOE forms for completion within 30 days. She noted those forms were required to be returned to the Real Estate Assessor's Office by April 30. Ms. Nase explained that the appraiser from the Assessor's Office requested the homeowner select three properties within the homeowner's neighborhood to use as the basis for the assessment number. She added questions usually involved why the assessment number was lower. Ms. Nase stated homeowners were aware of neighboring home prices when sold but were unaware of the components of an assessment. She cited the specific details as mandated by federal law for assessments. Ms. Nase noted the homeowner(s) present their specific data and the assessors present their data. She addressed homeowners understanding the assessment process. Ms. Nase also addressed commercial property assessments. She noted the next step after the Assessor's Office and the BOE was court. Ms. Nase referenced her research was based on the Williamsburg Multiple Listing Service (WMLS) which was statistically updated monthly. She noted supply was low with a high demand and that pattern had led since the COVID-19 pandemic. Ms. Nase cited statistics for a variety of multiple listings since January 2024, adding the median home price in the County was \$587,500 with 29 days on the market. She noted in January 2023, the price was \$400,950 with 19 days on the market, adding that was a major difference. Ms. Nase stated these numbers reflected the median value and included condominiums, townhouses, and other specific criteria. She referenced statistics from one day and the bidding wars on property. Ms. Nase provided insight and past experience with sales, adding buyers were very savvy as 98% of homes were sold on the internet prior to actually being present on the property. She noted the use of Realtor.com and principles applied to listings on that site.

Mr. Gallagher continued the presentation highlighting some important dates. He noted the dates included the reassessment notice mailings, proposed budget release, community meetings with Supervisors, public hearing, and the Board meetings for the budget followed by its adoption.

Mr. McGlennon noted the average value price of a home. He asked about the average median sale price of a home and the difference between the two prices.

Ms. Nase noted the difference was vast.

Mr. Gallagher noted assessors used the number from sales and Ms. Nase was using WMLS numbers.

Mr. McGlennon asked if Mr. Gallagher was looking at all homes while Ms. Nase was looking at actual sales within the specified time period. Mr. McGlennon noted homes that were being reassessed versus home prices for those properties on the market. He further noted Mr. Gallagher's numbers were reflective of the County's housing stock.

Mr. Gallagher and Ms. Nase confirmed that point.

Mr. Hipple noted the reassessments were not based on the selling price.

Discussion ensued.



Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting she worked closely with Mr. Gallagher. She noted the assessments were done every two years with Ms. Nase's numbers were based on the January data of each year. Ms. McCarthy stated the home values continued to escalate. She noted the values were based County-wide over the 2,500 sales which equated to approximately 7.5% of total taxable parcels over a two-year period. Ms. McCarthy stated median sales meant half of the sales were below that number while the other half were above it, adding mean represented the average.

Mr. Hipple noted the assessments were based on market values from two years prior and not current market values.

Ms. McCarthy noted calendar year 2022 and calendar year 2023.

Discussion ensued.

Mr. Gallagher noted the County podcast on the Real Estate Assessments process that was currently on the County website. He noted a sales statistic for 2022 that reflected sales were at 100% or more due to the market rise in 2023. Mr. Gallagher stated the impact on current reassessment values.

Mr. Hipple suggested citizens listen to the podcast. He stated it was very informative about the reassessment process.

Ms. Larson thanked Mr. Gallagher, Ms. Nase, and Ms. McCarthy. She noted if the Board members had additional questions, they could ask them at the Retreat though reassessments were not a topic. Ms. Larson stated Mr. Stevens would be available and other questions could be forwarded to Mr. Gallagher.

## 2. Financial Update, FY2024 Second Quarter

Ms. Cheryl Holland, Budget Manager, addressed the Board noting she would provide updates for Fiscal Year 2024 second quarter, which ended December 31, 2023. She stated the presentation would only focus on the General Fund and not covering the Capital Improvements Program, American Rescue Plan Act, or other grant funding. She highlighted the County's General Fund revenues in the PowerPoint presentation with a comparison to the prior year. Ms. Holland noted the General Property Taxes category was the largest revenue source at two-thirds of total revenue. She added the category included real estate and personal property taxes. Ms. Holland noted General Property Taxes reflected an increase primarily related to personal property with new vehicle purchases and a higher retention level of value for older vehicles. She added the other revenue types did not have the same billing or collection frequency as General Property Taxes. Ms. Holland provided details on the other categories depicted in the PowerPoint presentation. She continued with a breakdown of the General Fund Spending categories. Ms. Holland noted the Actual data reflected both expenditures and encumbrances. She continued the presentation with a departmental breakdown of the percentage of the budget use. Ms. Holland stated that departments with expenses over 50% reflected that not all expenses were incurred evenly during the year. She added the Information Technology Department had the majority of its contracts, licensing, and other factors due at the beginning of the year. Ms. Holland noted the Contribution & Transfers category reflected funding to outside services which typically occurred at the beginning of the fiscal year.

Ms. Larson thanked Ms. Holland for the update.

3. ORD-22-0001. Amendments for Scenic Roadway Protection  
Comprehensive Plan Amendment: Community Character Corridor and Short-Term  
Rental Development Standards Revision

Mr. Thomas Wysong, Principal Planner, addressed the Board regarding the specifics of this case. He noted the Board had requested more time for consideration regarding the proposed setback impact on existing structures along affected roadways and additional discussion on short-term rental standards. Mr. Wysong addressed the proposed amendments to the Zoning Ordinance regarding certain scenic roadways. He provided details regarding setbacks and highlighted the Forge Road Corridor in a PowerPoint presentation. Mr. Wysong noted only Forge Road would be affected if the Comprehensive Plan amendment were approved. He addressed the creation of the Overlay District regarding setback standards, adding in the absence of an Overlay District with varying setback standards was advised against by the County Attorney's Office. Mr. Wysong added that advice was based on uniformity of zoning regulations for each class or kind of building and use throughout each district and must treat similarly situated property similarly. He noted a limited Comprehensive Plan amendment regarding the Community Character Corridor (CCC) and revisions to the County's CCC Table designations list for a portion of Old Stage Road located outside of the Primary Service Area which would no longer be classified as a CCC. Mr. Wysong further noted that the proposed setback requirements would then only apply to Forge Road. He continued stating the second issue addressed the recommendation for removal of development standards for short-term rentals regarding the property owner continuing to live and reside on the property during the rental. Mr. Wysong noted the following standards, based on the Comprehensive Plan as adopted on October 26, 2021, would still be retained regarding short-term rentals: located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity; located on the edge or corner of an existing platted subdivision, rather than internal to it; and located on a major road. Mr. Wysong stated staff looked forward to the Board's feedback and guidance. He added a map was created to represent the affected lots by the setback concept.

Ms. Larson thanked Mr. Wysong. She looked to the Board for discussion.

Mr. Hipple noted he was fine with the removal of Old Stage Road. He added he was in favor of protecting Forge Road. He noted existing structures and application regarding new structures. Mr. Hipple discussed this point in detail adding the County needed to work with property owners who had limited amounts of land. He noted he was concerned for houses built on the roadside and losing the current look of the Forge Road corridor. Mr. Hipple added he did not want Forge Road crowded like other roads in the County. He noted his original proposal was to protect the existing corridor, protect the existing structures, and limit the proximity of new structures to the road. Mr. Hipple stated a compromise for corridor preservation and landowner rights was needed.

Ms. Null stated her agreement.

Mr. Icenhour addressed nonconformity and setbacks. He noted the use of the Overlay District and the ability to target particular areas for designation without arbitrary setbacks. Mr. Icenhour questioned staff if an Overlay District was created would Old Stage Road need to be removed from the CCC designation. He stated if Old Stage Road remained a CCC with an Overlay District then that designation would only apply to the areas identified for protection.

Mr. Hipple stated he wanted to focus on Forge Road first. He noted any knowledge learned in the process could later be applied to other areas.

Mr. Icenhour noted Overlay Districts could be applied to additional CCCs. He questioned the need then to remove Old Stage Road from the CCC designation if the Overlay District addressed concerns.

Mr. Hipple agreed.

Mr. Icenhour questioned staff on the timeline, workload, and other factors regarding these points.

Mr. Paul Holt, Director of Community Development, addressed the Board noting the public hearing on this item had been formally postponed until the Board's April 9, 2024, Regular Meeting. He noted one option was an indefinite postponement while staff worked on the Board's input. Mr. Holt stated the public hearing could be readvertised at a later date. He noted obtaining Board consensus on particular properties without reconsidering the varied setbacks was another factor. Mr. Holt stated he would review the timeline with staff and get that schedule to the Board.

Mr. Hipple cited the various criteria for the Overlay District and the setbacks while still protecting and preserving the land. He noted the Board would work on finding a happy medium that was beneficial to citizens.

The Board thanked Mr. Holt.

Mr. Holt noted at the April 9, 2024, Regular Meeting, this item would be on the Agenda but that it be deferred indefinitely pending Board consideration. He further noted that status would apply to both the Ordinance amendment and the Comprehensive Plan amendment. Mr. Holt stated at the time for those items to be presented, a public hearing would be readvertised.

Ms. Larson and Mr. Hipple thanked Mr. Holt.

Ms. Larson thanked Mr. Wysong.

**F. BOARD CONSIDERATION(S)**

None.

**G. BOARD REQUESTS AND DIRECTIVES**

Ms. Null noted she had no comments.

Mr. Hipple noted he had one, but he thought it would be discussed at the Board's upcoming Retreat. He stated a review of the \$0.83 per \$100 tax rate particularly in light of increased revenue.

Mr. McGlennon noted he would pass.

Mr. Icenhour noted on February 16, he and Mr. Hipple spoke to Ford's Colony newcomers. He stated the event was well attended with many good questions and answers. Mr. Icenhour added that opportunity was an enjoyable way to meet the public. He stated the Hampton Roads Workforce Council (HRWC) met on February 21, adding its annual budget was approximately \$38 million currently. Mr. Icenhour noted a major driver was the United States Navy contracts dealing with maritime trades. He added the HRWC Board was very productive in getting many things done for the region. Mr. Icenhour noted he had spoken with his fellow Board members and staff regarding upcoming changes to the County Code regarding stormwater management and erosion and sediment control. He further noted the state had issued a new model Ordinance to be effective July 1, 2024. Mr. Icenhour stated during the Board's consideration of these changes, opportunities for consideration of other amendments of interest to the County would be available. He noted the areas of special stormwater criteria and implementation of County

watershed management plans. Mr. Icenhour stated earlier watershed management plans had been based on rainfall and were very outdated. He noted the numbers were higher based on climate changes, adding many facilities were undersized and not performing well which would significantly impact future development. Mr. Icenhour indicated with upcoming changes that the Board had directed staff to draft a resolution to not schedule items for legislative consideration until after adoption of the changes. He noted additionally that staff was to inform applicants of the Board's expectation that forthcoming applications incorporate these changes. Mr. Icenhour asked his fellow Board members for support in requesting staff present at the March 26, 2024, Business Meeting, a resolution stating new legislative applications be postponed for Board consideration until the adoption of new Stormwater Ordinances with staff informing applicants of the anticipated changes. Mr. Icenhour noted these changes would significantly affect Eastern State properties around New Town, Chanco's Grant, and the White Hall development. He further noted these changes would ensure the proper size stormwater facilities were in place for these developments.

Mr. Hipple asked about the date.

Mr. Icenhour noted the resolution would be presented at the March 12, 2024, Regular Meeting. He further noted year-end for the study.

Discussion ensued.

Ms. Larson noted recent plans for a family whale watching trip in Virginia Beach. She further noted the event was cancelled due to high winds, so she and her family attended the Virginia Aquarium & Marine Science Center. Ms. Larson stated the Aquarium was very busy and lots of educational activities were available. She noted Hampton Roads Sanitation District was on-site doing a Sustainable Water Initiative for Tomorrow (SWIFT) presentation. Ms. Larson further noted the City of Virginia Beach's Department of Parks & Recreation was also there with numerous educational and informational games and exhibits. She provided details on the various presentations. Ms. Larson stated the opening of the sports complex would present a wonderful opportunity for regional education of local points of interest and programs like those for the Chesapeake Bay and area waterways.

## **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens noted he would defer on his report due to the Closed Session Agenda.

## **I. CLOSED SESSION**

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 2:50 p.m., the Board of Supervisors entered a Closed Session.

At approximately 4:32 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

1. Discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure, pursuant to Section 2.2-3711(A)(19) of the Code of Virginia
2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
3. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

A motion for the following Appointments was made by James Icenhour, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

- a. Board of Zoning Appeals Appointment

Mr. Icenhour noted Mr. Andrew Franck was recommended for an appointment to the Circuit Court Judge for a five-year term that expires on March 31, 2029.

- b. Wetlands Board and Chesapeake Bay Board

Mr. Icenhour noted appointment of Mr. Mark McElroy as an alternate for a term that should begin March 1, 2024, and expire December 31, 2030.

- c. Historical Commission Appointment

Mr. Icenhour noted appointment of Mr. William Fox to a term that will expire June 30, 2026.

- d. Agricultural and Forestal District Advisory Committee Appointment

Mr. Icenhour noted appointment of Mr. Will McElfresh with no expiration date listed.

4. Certification of Closed Session

## **J. ADJOURNMENT**

1. Adjourn until 8 am on March 2, 2024 for the Board Retreat

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 4:33 p.m., Ms. Larson adjourned the Board of Supervisors.

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**RETREAT**  
**LAW ENFORCEMENT CENTER COMMUNITY ROOM**  
**4600 OPPORTUNITY WAY**  
**WILLIAMSBURG, VA 23188**  
**March 2, 2024**  
**8:00 AM**

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**A. CALL TO ORDER**

Ms. Larson thanked the Board and staff for attending the Retreat on a Saturday.

**B. ROLL CALL**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**C. FACILITATED DISCUSSION/ACTIVITY**

Mr. Jason Purse, Assistant County Administrator, addressed the Board regarding discussion on various topics. He noted Ms. Sharon Amoss, Director of Operations for InnerWill Leadership Institute, was available for the discussion facilitation. Mr. Purse stated InnerWill Leadership Institute had previously worked with various County departments and the County's Executive Leadership Team in a similar discussion.

Ms. Amoss introduced herself and thanked the County for its partnerships with InnerWill. She provided some background information on the company. Ms. Amoss noted the discussion would address important points for individual Board members as well as the collective Board. She acknowledged the 160 years of the Board's collective leadership in addition to the perspective of the Board's newest member. Ms. Amoss detailed the outline for the Board's discussion to garner information.

Mr. McGlennon acknowledged a strength of the Board was mutual respect among its members and the common goal of pursuit of a better community.

Ms. Larson echoed the mutual respect was valued by citizens.

Mr. Hipple noted each Board member was entitled to individual thoughts, adding respect for those differences was important. He further noted the importance of the community.

Ms. Larson stated the mutual respect extended to recognition of each Board member's workload.

Ms. Amoss acknowledged the amount of time and work required of the Board members.

Mr. Icenhour echoed other comments regarding balance between family, work, and the Board.

Ms. Null referenced her tenure on the Planning Commission and the mutual respect of working with that group. She added that experience was helpful in transitioning to the Board. Ms. Null emphasized the importance of community involvement.

Discussion ensued on community, quality of life, and involvement.

Ms. Amoss noted identification of effective and ineffective actions and the Board's response to such situations.

Discussion ensued.

Ms. Larson stated mutual support for fellow Board members. She added opinions could differ, but commitment to the Board and the community were important.

Ms. Null noted the need for citizen involvement and contact with Board members on issues. She referenced the Comprehensive Plan and citizen input for the County.

Discussion ensued.

Mr. Icenhour stated the importance of engaging constituents to listen and learn. He noted the significance of decision-making along with the education around the situation and decision.

Discussion ensued.

Ms. Amoss highlighted the Board's input and feedback.

Mr. McGlennon noted the importance of staff and its role in assisting Board members.

Mr. Icenhour echoed that comment. He noted he worked with staff for answers to problems and questions, as well as to educate constituents.

Ms. Amoss shifted the focus to individualized Board viewpoints. She described the details of the format.

Small group discussion ensued.

Ms. Amoss noted the next phase focused on the County overall. She further noted areas of change, no change, and other factors for consideration.

Discussion ensued on community character preservation, growth, and other aspects.

Ms. Larson noted local parks and education were strong points in the community.

The Board agreed County staff was great.

Discussion ensued on affordable housing, businesses, and other factors.

Ms. Amoss highlighted some discussion points.

Discussion on competitive pay for County staff ensued.

Mr. McGlennon noted younger workers sought a better work-life balance than previous generations.

Ms. Amoss acknowledged the changes in the workforce.

Discussion ensued.

Ms. Amoss noted a discussion point on the industrial base in the County.

Discussion ensued on industry, skilled laborers, and other factors.

Ms. Amoss summarized several key points from the discussion. She noted challenges within the County as constituent needs and societal changes shifted. Ms. Amoss stated the individual and group discussions were helpful tools. She expressed her pleasure working with the dedicated people in James City County.

The Board thanked Ms. Amoss.

At approximately 10:05 a.m., the Board recessed for a short break.

At approximately 10:10 a.m., the Board reconvened.

#### **D. BOARD DISCUSSIONS / GUIDANCE**

Ms. Larson extended her thanks to staff for coordinating the facilitated discussion with Ms. Amoss.

##### **1. Strategic Plan Input**

Mr. Purse stated it was time for the Board's review of the Strategic Plan which originated in 2016. He noted after the 2008 recession that the County had primarily focused on maintenance and capital projects and rebuild the workforce after the economic downturn. Mr. Purse provided some historical points to the 2016 Strategic Plan in which the County focused on seven goals. He noted additional initiatives or capital projects were highlighted within the seven goals. Mr. Purse further noted those initiatives and projects were reflected in the past few budgets. He detailed the timeline, adding input opportunities from the Board, staff, and the public would be available.

##### **2. Red Light and School Speed Zone Cameras**

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board regarding its inquiry into school speed zone limit cameras and red light cameras. He noted in 2006-2007 the County had reviewed the use of red light cameras, adding James City County was one of two localities in the Commonwealth granted permission to implement the use of those cameras. Mr. Rinehimer further noted the County had chosen not to implement their use. He stated the County had school bus stop-arm cameras. Mr. Rinehimer noted available vendors for both the red light and school speed zone limit cameras attended both the County Administrator and Police conferences. He further noted school zone speed studies had been done previously by some of the vendors, adding there were speeding issues in some of the local school zones. Mr. Rinehimer provided statistics on County schools and intersections. He noted criteria for establishing one red light camera per 10,000 residents, adding a maximum of eight red light cameras could be installed. Mr. Rinehimer stated there was a maximum \$50 fine per civil violation, adding a maximum \$100 fine accompanied the school speed zone violation. He noted if the Board moved forward then both he and Police Chief Mark Jamison wanted to incrementally implement the use with three schools, Toano Middle School, Stonehouse Elementary School, and Lafayette High School. Mr. Rinehimer provided additional details.

Ms. Larson noted the highest volume of complaints regarding safety were the Stonehouse Elementary School and Lafayette High School areas. She noted implementation of the cameras



was not a revenue generator, but a safety concern. Ms. Larson favored the camera implementation.

Mr. Icenhour asked if the speed cameras were separate from the red light camera criteria per 10,000 residents.

Mr. Rinehimer responded separate items. He noted there was no limit on the school speed zone cameras.

Mr. Icenhour noted with the phased implementation more statistics would be available regarding speeding and accidents.

Discussion on the timeline and administrative fees ensued.

Ms. Larson asked for data.

Mr. Rinehimer noted the data would be supplied by the vendor. He emphasized Ms. Larson's point that this venture was not a revenue generator, but a safety issue.

Discussion ensued.

Mr. Rinehimer provided cost and other details.

Discussion ensued.

The Board agreed with Mr. Rinehimer's proposed plan.

### 3. Government Center

Mr. Rinehimer referenced some informational points regarding the Government Center. He provided a basic update on the interim agreement between the working group and the Henderson-Gilbane group. Mr. Rinehimer noted the nine-month timeline, adding there could be an extension. He detailed the next step if another interim agreement was implemented.

Discussion ensued.

Mr. Icenhour questioned the timeline.

Mr. Rinehimer noted the working group and the Henderson-Gilbane group were establishing a schedule and would be meeting on a bi-weekly basis. He further noted that input from the Board, the public, staff, and other factors would need to be considered and a schedule established for each group.

Ms. Larson thanked Mr. Rinehimer.

### 4. Human Resources

Mr. Patrick Teague, Director of Human Resources, addressed the Board noting the Human Resource presentation would feature Mr. Dan Ripberger with Bolton. He noted the County had contracted with Bolton for a compensation and classification study in the fall of 2023. Mr. Teague noted the results and recommendations from Bolton would be presented followed by possible County decisions regarding those study findings.

#### a. Pay and Classification Study

Mr. Ripberger, Practice Lead, addressed the Board and thanked it for the opportunity to present Bolton's findings. He stated Bolton conducted both compensation and benefit consulting. Mr. Ripberger noted Bolton evaluated the current program and compensation, performed a market analysis, and several other components. He further noted some key tasks of the project, which included interviews with departmental and organizational leadership, were compiled. Mr. Ripberger stated job classifications and descriptions were also reviewed. He noted exempt and non-exempt job positions were identified and analyzed in the study. Mr. Ripberger addressed policy review and its alignment with the current market was another analysis point. He highlighted percentages between pay grades and within ranges in relation to the market, adding a formula was used for determining the compensation ratio (Compa-ratio) for range. Mr. Ripberger noted these numbers determined if an organization was within a competitive range with the market. He provided additional information on research and comparative reviews. Mr. Ripberger cited percentages ranging from 25% to 75% demonstrated how the County ranked in pay comparisons to the market, adding data from the private sector was identified. He identified particular areas where the private sector traditionally paid higher. Mr. Ripberger continued the presentation highlighting Bolton's recommendations. He noted the continuation of job analysis and documentation with Human Resources reviewing these areas for compliance and consistency. Mr. Ripberger referenced the market noting a balance of internal and external equity was necessary. He noted 65% was the target point Bolton used. He further noted maintaining the County's current pay ranges but aligning the midpoints to the market target. Mr. Ripberger provided additional details on implementation if the Board chose the recommendations.

Mr. Teague thanked Mr. Ripberger for the presentation.

At approximately 11:13 a.m., the Board recessed for a short break.

At approximately 11:18 a.m., the Board reconvened.

Mr. Teague noted he would continue the discussion following Mr. Ripberger's presentation. He stated discussion would focus on the proposed compensation study and benefits and retirement-health reimbursements. Mr. Teague referenced Agenda Packet material which highlighted statistics regarding service years for County employees. He noted 68% of County staff had 10 years or less of service. Mr. Teague discussed the relation of experience and pay and its impact on the Compa-ratio.

Discussion ensued on trends, retention years, and other factors.

Mr. Teague stated salary was consistently the number one reason employees cited for leaving employment during their exit interviews. He noted staff's proposal would align with Bolton's 65% recommendation. Mr. Teague provided examples of the County's current pay structure at 50% and the impact with the 65% implementation. He continued the presentation identifying other compensation components such as salary range based on years of experience. Mr. Teague addressed the implementation costs associated with the respective percentiles identified. He noted adjustments regarding temporary and on-call positions were being reviewed. Mr. Teague further noted other compensation considerations based on Bolton's recommendations.

Discussion ensued on turnover rate, retention, and other factors.

Mr. Stevens noted department heads had reviewed data regarding costs and new hires in addition to other considerations. He further noted the need for Board input on the material presented. Mr. Stevens addressed the salary impact on new employees and long-term employees with adjustments.

Discussion ensued.

Mr. Stevens noted the implementation of career ladders and development processes in certain departments. He added those situations were subject to funding.

Discussion ensued.

The Board noted a consensus to move forward with the 65% range consideration.

b. Benefits

Mr. Stevens noted Mr. Teague would address retirement-health reimbursements. Mr. Stevens provided details from surrounding localities regarding that benefit and alternative options.

Ms. Larson questioned years of service in relation to retirement-health reimbursement.

Mr. Teague provided details for various localities. Mr. Teague explained the criteria regarding the defined benefit plan. He noted the County was evaluating a defined contribution approach in which money was allocated but a percentage or dollar figure was not guaranteed. Mr. Teague further noted the account balance was your allocation, adding it was similar to a defined contribution like a 401(k). He stated the plan would include contributions, qualified medical expenses, eligibility rules, and other details. Mr. Teague continued the presentation with estimated contribution costs for both full-time and part-time employees. He noted the plan was based on years of service, similar to the Virginia Retirement System currently used by the County of a five-year vestment period. Mr. Teague further noted approximately 90 days for the set-up for the plan. He addressed payment details.

Mr. Stevens stated he wanted to present the plan concept to the Board with decisions on implementation and other details for a future discussion. He noted the criteria regarding funding for the account. Mr. Stevens further noted more plan design would be forthcoming if the Board chose to explore the option.

Discussion ensued.

Mr. Teague noted this plan was based on a defined contribution not a defined benefit.

Mr. Stevens addressed the timeline and specifics regarding the plan if the Board agreed to move forward.

Discussion ensued.

Mr. Teague addressed the next benefits point focused on leave. He noted the proposal included paternity, maternity, and family care leave. Mr. Teague provided details on the respective leave types. He noted these were not new leave designations, but rather a new way to use the leave which currently existed.

Discussion ensued.

Mr. Icenhour questioned how accumulated leave was compensated.

Mr. Stevens provided details on the payout.

Discussion ensued.

Mr. Teague provided a healthcare plan update. He noted an increase to the high deductible healthcare plan deductible for individual and family which was mandated by the IRS. Mr. Teague further noted details regarding changes to the traditional plan.

At approximately 12:06 p.m., the Board recessed for lunch.

At approximately 12:36 p.m., the Board reconvened.

c. Collective Bargaining

Ms. Liz Parman, Deputy County Attorney, addressed the Board noting there were several Virginia localities that permitted collective bargaining. She noted a list was included in the Agenda Packet, adding the Cities of Richmond and Charlottesville and several localities in Northern Virginia participated. Ms. Parman further noted activity regarding collective bargaining in Hampton Roads as well as a task force in the City of Virginia Beach to study the feasibility for its employees. She cited details for other localities. Ms. Parman noted the overall Virginia employee unions accounted for 4.3% of all wage and salaried workers compared to 10% nationwide. Ms. Parman noted several bills were in the General Assembly which could impact the County. She detailed the ones that remained in Committee and others that continued into the 2025 Session. Ms. Parman noted monitoring the General Assembly's actions in the upcoming years. She further noted she and Mr. Teague had listed general pros and cons of collective bargaining on the handout in the Agenda Packet. Ms. Parman noted with the scarcity of employees, their bargaining power had increased over the past few years. She referenced the state's grievance procedure to assist employees with employment protection. Ms. Parman cited additional pro and con points to unions. She noted if the Board pursued collective bargaining in the future, the changes would need to be implemented by Ordinance or resolution. Ms. Parman provided details for the process.

Discussion ensued.

Ms. Larson thanked Ms. Parman.

5. Community Development

Mr. Purse noted previous discussion on the upcoming budget in relation to Comprehensive Plan versus Zoning Ordinance. He stated various staff members would participate in the presentation.

a. Zoning Ordinances/Comprehensive Plan

Ms. Christy Parrish, Zoning Administrator, noted the original James City County Zoning Ordinance was adopted in 1969. She stated the basic organization of that document remained unchanged. Ms. Parrish detailed three historical highlights regarding the Zoning Ordinance updates, but added the changes between those three major times were revised piecemeal. She noted the need to ensure consistent wording throughout. Ms. Parrish further noted those inconsistencies had been identified and clarified. She cited some examples of inconsistent wording and terms and the accompanying benefits with addressing those inconsistencies. Ms. Parrish addressed the possibility of adopting a new Zoning Ordinance map, adding the last comprehensive map was adopted in 1986. She noted every rezoning approved since then had been an amendment to that document. Ms. Parrish stated additional information could be incorporated to include proffers and other factors.

Mr. Adam Kinsman, County Attorney, noted he, Ms. Parrish, Mr. Purse, and Mr. Paul Holt, Director of Community Development, had notes to address the inconsistencies. He commented that the four members, with staff's help, would work on updating the Zoning Ordinance.

Mr. Holt noted he wanted to update the document to assist with the Comprehensive Plan. He highlighted the timeline and specifics of the update.

Discussion ensued.

The Board concurred with moving forward on the Zoning Ordinance update.

b. Workforce Housing

Mr. Holt addressed the Board regarding workforce housing and affordable housing. He noted some historical points and referenced the work done and recommendations made by the Workforce Housing Task Force (WHT) Committee in the past. Mr. Holt further noted those recommendations required no significant new funding or staffing and were feasible in a timely manner. He cited several successes over the past few years which included two Home Repair Blitz events with Habitat for Humanity of the Peninsula and Greater Williamsburg and receipt of state and federal aid. Mr. Holt thanked Mr. Vaughn Poller, Neighborhood Development Administrator, for his work with funding. Mr. Holt noted the WHT Committee recommendations had been incorporated into the Comprehensive Plan. He further noted details regarding workforce housing which included construction of the first 3D-printed house. Mr. Holt stated a new Housing portal was being developed which would incorporate resource lists and other components to assist citizens. He addressed additional recommendations from the WHT and noted discussion for possible options for adoption under the existing State Code. Mr. Holt stated Mr. Poller would discuss those options in the next segment of the presentation.

Mr. Poller stated of the three available sections of the State Code two were considerations for Board adoption. He noted one section was the creation of an Affordable Dwelling Ordinance. Mr. Poller outlined the criteria of that Ordinance. He stated the second section addressed adjustment or removal of existing Zoning Ordinances which conflicted with affordability for density exchange. Mr. Poller noted the specific sections addressed the application of density. He cited additional criteria regarding program compliance and other aspects. Mr. Poller noted the State Code addressed maintenance of affordability over a time range of 15 to 50 years. He detailed options and funding needs, adding one WHT recommendation was the possibility of conversion of hotel/motel to residential. Mr. Poller added that would require a Zoning Ordinance amendment. He addressed additional points regarding workforce housing which included potential General Assembly action related to the topic.

Mr. Holt noted the General Assembly action would be monitored next year regarding any possible impacts. He asked the Board for direction.

Discussion ensued.

Mr. McGlennon asked if the proffer for \$1,000 per unit in the Stonehouse development which would go to the County for affordability had been placed.

Mr. Holt responded no.

Mr. McGlennon asked if the money was in a trust fund.

Mr. Holt noted he would follow up with Ms. Sharon McCarthy, Director of Financial and Management Services, at a later date.

Mr. McGlennon noted affordable housing was a local, state, and national issue. He stated the need for a measurable outcome so progress could be tracked in that area. Mr. McGlennon questioned a possible County voucher program to supplement the currently available federal voucher. He addressed several points of such a program. Mr. McGlennon addressed the possibility of acquisition of existing properties for redevelopment that benefited low-income housing such as mobile home parks.

Ms. Larson noted the possibility of hotels and motels as an affordable alternative.

Discussion ensued.

Mr. Icenhour questioned the number of possible units in the County.

Mr. Holt noted two. He further noted some trends were emerging with conversion of old school buildings. Mr. Holt noted some inquiries had been made on Family Inn of America Williamsburg and Motel Zuma, but density and Comprehensive Plan requirements presented limitations.

Mr. McGlennon noted inquiries about Fort Magruder Hotel.

Mr. Holt confirmed there had been some inquiries several years ago.

Mr. Hipple addressed the difficulties around affordable housing. He noted the creation of an affordable area for housing. Mr. Hipple detailed some potential options.

Mr. McGlennon noted some affordable housing options had been incorporated in Toano Trace and Ironbound Square.

Mr. Poller confirmed yes.

Mr. McGlennon asked about the current situation with both locations.

Mr. Poller noted the soft second limitation of 10-15 years for Toano Trace expired in 1995 with buildout completed in 1997. He further noted the units originally sold for \$75,000, but were currently priced in the \$200,000s. Mr. Poller stated the same thing had occurred on Palmer Lane and Ironbound Square. He added that housing was a national issue and there were many ideas that could be researched and possibly incorporated. Mr. Poller noted both the Habitat for Humanity and the state were looking at other options including modular homes.

Discussion ensued.

Ms. Larson thanked Mr. Holt and Mr. Poller.

c. Transportation/Sidewalks/WATA Bus Stops

Mr. Holt addressed the current state and status of sidewalks around local schools. Mr. Holt noted County sidewalk locations were required by the Zoning Ordinance and the Board's adopted Pedestrian Accommodations Master Plan. He stated some developments were in place prior to the sidewalk requirement, which included areas around area schools. Mr. Holt referenced funding to assist with sidewalk projects. He noted Mr. Tom Leininger, Principal Transportation Planner, had completed a comprehensive review.

Mr. Leininger noted that during the Comprehensive Plan guidance was presented regarding sidewalk funding. He listed the guidance was based on need, gap in the network, available funding, and location. Mr. Leininger noted the schools were adopting non-transportation zones within a half-mile radius for elementary schools and a mile radius for secondary schools. He noted within these zones, families were responsible for providing their own transportation. Mr. Leininger provided details on the areas matching these parameters.

Mr. Holt noted a map for each school was provided in the Board's Agenda Packets.

Mr. Leininger stated both the roadways and subdivisions were reviewed. He explained the color codes for the map to identify subdivisions with/without sidewalks. Mr. Leininger stated that the Williamsburg-James City County Schools averaged overall at 44% of roadways and existing sidewalks within the one-mile buffer around the school site. He noted Norge Elementary School and Warhill High School had the highest percentages, 89% and 81%, respectively with roadways that have sidewalks. Mr. Leininger noted the lowest percentages for elementary schools included Matoaka, J. Blaine Blayton, and Clara Byrd Baker Elementary Schools at 13%, 17%, and 24%, respectively. He added Lois S. Hornsby Middle School was the lowest at 17% with Toano Middle School at 35%. Mr. Leininger noted Jamestown High School was the lowest at 28% of its roadways having sidewalks.

Ms. Larson asked if someone lived within a half mile of Clara Byrd Baker Elementary School then transportation was not provided unless extenuating circumstances.

Mr. Holt noted that was the general policy, but schools could address exceptions. He added that policy applied to the half-mile and one-mile buffers.

Ms. Larson noted there was a lot of missing sidewalks.

Mr. Leininger stated the County had the option to use Safe Routes to School funding for elementary and middle schools. He added that was a Virginia Department of Transportation application which required a 20% locality match. Mr. Leininger referenced two completed projects were Clara Byrd Baker Elementary School sidewalk and James River Elementary School in 2013. He discussed the variable costs for sidewalks based on different criteria. Mr. Leininger noted the Clara Byrd Baker Elementary School sidewalk project was completed in August 2023 at an approximate cost of \$688,000 for approximately .55 miles of sidewalk. He further noted the upcoming project for Laurel Lane Elementary School at .45 miles and a current project cost of \$1.77 million. Mr. Leininger stated the cost was based on the number of properties where rights-of-way would be required in addition to stormwater improvements. He added the Richmond Road Sidewalk and Bike Lane improvements project in Norge, currently in progress, has a \$3.77 million project cost for .33 miles. Mr. Leininger noted staff's use of the transportation match funds in the Capital Improvements Program (CIP). He cited details for the process, adding use of the Revenue Share program required a 50% match.

Mr. Holt noted slow and steady progress. He further noted other considerations included stormwater, potential utility relocation, and other factors that affected cost. Mr. Holt stated an additional 27 miles of sidewalk were needed to be built to meet the non-transportation policy. He noted the estimate for those 27 miles was \$34-\$300 million and current available resources. Mr. Holt addressed some potential funding sources to assist with the Laurel Lane Elementary School project, Jamestown High School and intersection improvements, and other locations. He noted estimated timelines and other updates for the Board.

Discussion ensued.

Mr. Holt noted the competitive nature of the funding as other localities vied for the same funding. He further noted official funding with the Commonwealth Transportation Board's approval would be announced in June or July. Mr. Holt continued the presentation discussing transit stops and alignment with the Williamsburg Area Transit Authority (WATA) Board's Strategic Plan. He highlighted possibilities for increased ridership and other aspects to coordinate with WATA's Strategic Plan. Mr. Holt noted 153 WATA transit stops existed in James City County, but only 30 of those had trash cans and 25 had shelters. He added that 33 stops had benches with four having bicycle racks. Mr. Holt noted some potential opportunities for the County to align with WATA's Strategic Plan, adding the City of Williamsburg was also working on some implementation plans. He noted the need for a standing pad, bench, and trash can at each stop. Mr. Holt stated there would be more discussion on those points.

Discussion ensued on shelters, funding, and compliance concerns.

Ms. Larson thanked Mr. Holt for the great information.

6. Budget Guidance and Process

Mr. Stevens presented the Board with a budget timeline. He noted a budget podcast slated for early April and Budget Community meetings scheduled April 3-11. Mr. Stevens further noted the public hearing on April 9 and additional April dates. He provided a departmental update on proposed job positions and reclassifications. Mr. Stevens addressed the process for ranking criteria in determining priorities.

Discussion ensued on ranking, CIP requests, and timeline considerations.

Mr. Stevens noted both CIP and position requests could be reviewed in the fall for budget preparation. He further noted adjustments could also be made between the proposed budget and adopted budget. Mr. Stevens referenced the tax rate and reassessments. He identified drivers and respective impacts to the budget.

Discussion ensued.

Mr. Stevens noted the timeline for budget numbers. He further noted he would meet with Board members prior to finalization and other considerations.

Discussion ensued.

Ms. Larson thanked everyone for their attendance and work.

**E. ADJOURNMENT**

1. Adjourn until 5 pm on March 12, 2024 for the Regular Meeting

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 2:22 p.m., Ms. Larson adjourned the Board of Supervisors.



## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Michael D. Woolson, Section Chief - Resource Protection  
Andrew Dean, Assistant County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - William and Donna Mason, 156 Ensign John Utie

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Attached is a resolution for consideration by the Board of Supervisors (the “Board”) involving a violation of the County’s Chesapeake Bay Preservation Ordinance (the “Ordinance”) on property located at 156 Ensign John Utie and further identified as James City County Real Estate Tax Map Parcel No. 5131000045 (the “Property”). The case involved the clearing of vegetation within the Resource Protection Area (the “RPA”) and Natural Open Space easement (the “NOS”) on the Property. This work was done without first obtaining an exception to the Ordinance or Deed or Easement.

On or about April 10, 2023, County staff received a report of unauthorized activity on the Property. Following the site visit, staff performed research on the Property using County records and discovered that there had not been an exception to the Ordinance for the work.

In accordance with provisions of the Ordinance, the owner and County mutually came to terms to resolve and settle the violation through the County’s civil charge process. The owner voluntarily signed a Consent Agreement and entered into a Chesapeake Bay Restoration Agreement with the County on February 29, 2024.

The resolution and attachments present additional specific details of the violation. Under the provisions of the Ordinance, the Board may accept civil charges for each violation of up to \$10,000. The owner has agreed to the recommended waiving of the civil charge for violation of Section 23-10 of the County’s Chesapeake Bay Preservation Ordinance.

The Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy, endorsed by the Board in August 1999, was used by staff as guidance in determining the civil charge amount. The Policy considers the degree of water quality impact and the degree of noncompliance involved in the case. The waiving of the civil charge amount is based on a minor water quality impact, a minor degree of noncompliance, and the voluntary restoration of a portion of the RPA.

Staff recommends adoption of the attached resolution, establishing the civil charge for the Chesapeake Bay Preservation Ordinance violation presented.

MDW/AD/md  
CBViol156EnsJUtie-mem

Attachments:

1. Resolution
2. Location Map
3. Consent Agreement
4. Restoration Agreement

Chesapeake Bay Preservation Ordinance Violation - Civil Charge - William and Donna Mason - 156 Ensign

John Utie

March 26, 2024

Page 2

5. Restoration Plan
6. 1999 Civil Charge Policy
7. Deed of Natural Open Space Easement
8. Natural Open Space Easement Plat, Sheet 1
9. Natural Open Space Easement Plat, Sheet 2

## RESOLUTION

### CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

#### WILLIAM AND DONNA MASON, 156 ENSIGN JOHN UTIE

- WHEREAS, William and Donna Mason are the owners of a certain parcel of land commonly known as 156 Ensign John Utie, Williamsburg, Virginia and designated as Parcel No. 5131000045 within the James City County Real Estate Tax Map system (the “Property”); and
- WHEREAS, on or about April 10, 2023, William and Donna Mason cleared vegetation within a defined Resource Protection Area (“RPA”) and Natural Open Space Easement (“NOS”) on the Property without prior approval of a Chesapeake Bay exception or NOS approval, impacting the RPA and NOS in violation of the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, William and Donna Mason executed a Consent Agreement to remedy the violation of the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, William and Donna Mason agreed to a Chesapeake Bay Restoration Agreement to restore vegetation on the Property to a condition that protects the natural resources of the Property, the County, and the Chesapeake Bay watershed; and
- WHEREAS, William and Donna Mason agreed to pay a total of \$0 to the County as a civil charge pursuant to the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors accepts the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Section 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$0 civil charge from William and Donna Mason as full settlement of the Chesapeake Bay Preservation Ordinance violations at the Property occurring on or about June 23, 2023.

\_\_\_\_\_  
Ruth M. Larson  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

NULL  
HIPPLE  
MCGLENNON  
ICENHOUR  
LARSON

VOTES

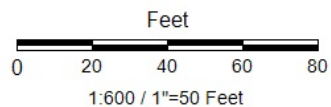
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2024.



## Legend

- Parcels
- Street Names
- Conservation
  - Conservation
  - Greenway
  - Open Space
  - Scenic
- Contours 5 Ft
- Contours 1 ft
- Resource Protection Area RPA



## Title: 156 Ensign John Utie RPA Violation - Location Map

Date: 3/13/2024

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.*





## Chesapeake Bay Preservation Civil Charge Consent Agreement

THIS AGREEMENT, made on this 29<sup>th</sup> day of February, 20 24, by and between William and Donna Mason ("Owner"), residing at 156 Ensign John Utie, Williamsburg, VA 23185, and the COUNTY OF JAMES CITY, VIRGINIA, ("County").

WHEREAS, the Owner of that certain parcel of land known and identified as 156 Ensign John Utie, Parcel Identification No. 5131000045 ("Parcel"). Vegetation was removed beyond any approved plan of development on that aforementioned Parcel ("Violation"). The County acknowledges that the Violation was not caused by the Owner, it having pre-existed the date on which the Owner acquired title to the Parcel.

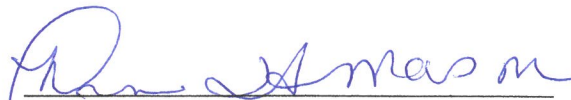
NOW, THEREFORE, to resolve this Violation the parties hereto agree as follows:

1. The County waives the payment of any civil charge for the Violation of the Ordinance described above.
2. The Owner hereby agrees to enter into the Chesapeake Bay Restoration Agreement ("Agreement") attached hereto as Exhibit A to address the Violation of the Ordinance described above.
3. In consideration of the Agreement, the County agrees to waive any civil charge and accept the Agreement as the final resolution of the Violation and in consideration of this executed agreement the County will not prosecute the Owner for the Violation pursuant to James City County Code Section 23-18.

Once the consent agreement is executed, the County will proceed with scheduling the case on the Consent Calendar at an upcoming Board of Supervisors Regular Meeting for approval of this resolution of the Violation.

OWNER:

  
WILLIAM D. MASON

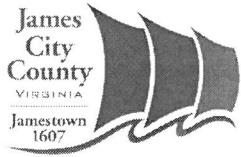
  
DONNA H. MASON

COUNTY OF JAMES CITY, VIRGINIA

By:   
(signature)

Approved as to form:

  
County Attorney



## Chesapeake Bay Restoration Agreement

---

THIS AGREEMENT by and between William and Donna Mason (the “Owner”), residing at 156 Ensign John Utie, Williamsburg, VA 23185, and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”).

WHEREAS, the Owner is the owner of certain tracts of land located at 156 Ensign John Utie (the “Property”), located in the County; and

WHEREAS, restoration of vegetation within portions of the Property is the responsibility of the Owner and required by the County as shown on a plan designated as 156 Ensign John Utie Restoration Plan Date: December 10, 2023 (the “Restoration Plan”); and

WHEREAS, the Owner has posted sufficient bond, letter of credit, certified or cashier’s check, or escrow fund (collectively the “Security Instrument”), pursuant to existing Ordinances, approved as to form by the County Attorney, and with surety satisfactory to the County in the amount of Three thousand dollars (\$3,000.00) guaranteeing the implementation of the restoration plan before March 31, 2025.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration of the premises and the covenants and agreements herein contained, the parties agree as follows:

1. The Owner does covenant and agree that it will, without cost to the County on or before December 31, 2025, construct to the approval of the County all physical improvements as required by the Chesapeake Bay Preservation Ordinance of the County, or as shown on the Restoration Plan. If, in the sole judgment of the County, circumstances beyond the control of the Owner prevent the Owner from completing the Restoration Plan in the time set forth herein, then the County may, at its sole discretion, grant an extension of time for completion of said improvements and in such instance the County shall require an amended Security Instrument approved as to form by the County Attorney, and with surety satisfactory to the County in an amount to guarantee the installation of the aforementioned Restoration Plan.

2. It is mutually understood and agreed that in the event the Owner fails to properly complete the physical Restoration Plan provided hereinabove, the County may complete, or cause to have completed, the same and render a bill therefore to the Owner who shall be liable to the County for all proper costs so incurred by the County, or the County may draw the amount necessary from the surety to complete or cause to have completed the same. The Owner hereby grants the County, its agents and contractor, access to the property to install any improvements required under this Agreement.


3. In the event the County calls, collects, or otherwise draws on the Security Instrument pledged under this Agreement, the Owner agrees to either pay, or have the County use the proceeds of the draw to pay a reasonable administrative fee of \$35.00, plus any costs actually incurred by the County in drawing on the Security Instrument. The charge for an administrative fee plus costs shall apply regardless of whether the County later accepts a renewal or amendment of the Security Instrument.

4. It is mutually understood and agreed that this Agreement does not relieve the Owner of any responsibilities or requirements placed upon them by the various Ordinances of the County applicable to ownership or occupancy of the property, and any future development of the Property will be done in strict accordance with such Ordinances.

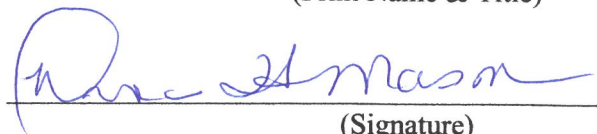
5. It is mutually understood and agreed that if the Owner shall faithfully execute each and all requirements of the Chesapeake Bay Preservation Ordinance and the provisions of this Agreement, and shall indemnify, protect, and save harmless the County from all loss, damage, expense, or cost by reason of any claim, suit, or action instituted against the County or its agents or employees thereof, on account of, or in consequence of any breach on the part of the Owner, then the Security Instrument shall be released by the County to the Owner.

IN WITNESS WHEREOF, the parties hereto, being first duly authorized, have affixed their signatures on the date first above written.

Owner: WILLIAM D. MASON  
(Print Name & Title)

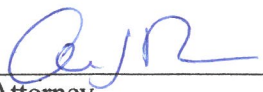
By:   
(Signature)

Owner: DONNA H. MASON  
(Print Name & Title)

By:   
(Signature)

Approved as to form:

COUNTY OF JAMES CITY, VIRGINIA

  
County Attorney

By:   
County Agent

DATE: March 1, 2024





## Legend

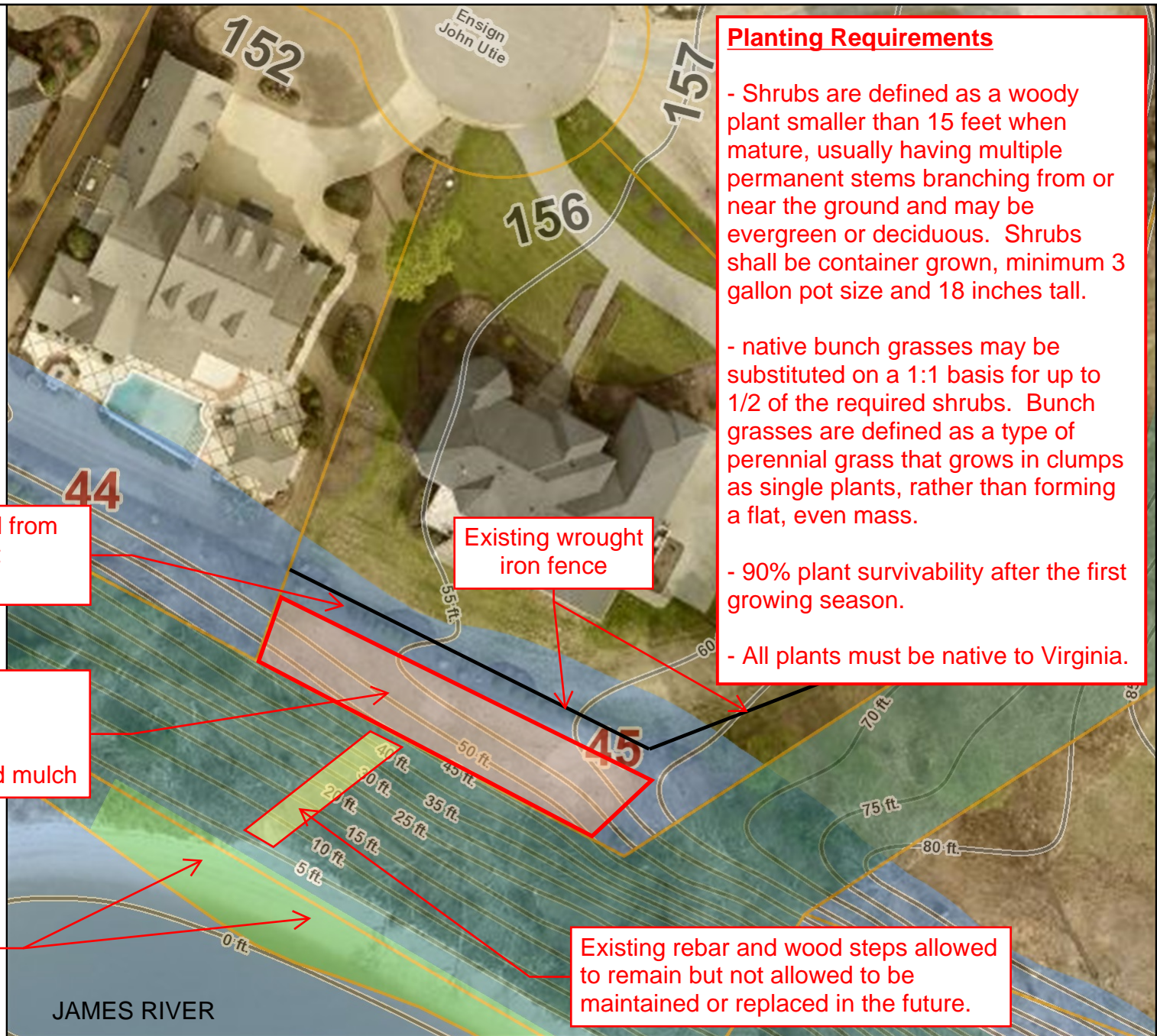
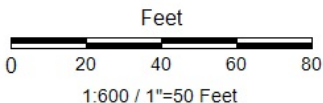
- Parcels
- Street Names
- Conservation
  - Conservation
  - Greenway
  - Open Space
  - Scenic
- Contours 5 Ft
- Resource Protection Area RPA

Permanent maintenance allowed from landward limits of RPA to 10 feet seaward of the existing fence

### Restoration Area

- approximately 3,000 sq. ft.
- 56 shrubs
- 3 inch thick shredded hardwood mulch

No structures allowed on beach or within floodplain



## Planting Requirements

- Shrubs are defined as a woody plant smaller than 15 feet when mature, usually having multiple permanent stems branching from or near the ground and may be evergreen or deciduous. Shrubs shall be container grown, minimum 3 gallon pot size and 18 inches tall.
- native bunch grasses may be substituted on a 1:1 basis for up to 1/2 of the required shrubs. Bunch grasses are defined as a type of perennial grass that grows in clumps as single plants, rather than forming a flat, even mass.
- 90% plant survivability after the first growing season.
- All plants must be native to Virginia.

## Title: 156 Ensign John Utie Restoration Plan

Date: 12/10/2023

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.*



**Chesapeake Bay Preservation Ordinance Civil Penalty Procedures**  
(As adopted by the Board of Supervisors - August 19, 1999)

**Principle**

All violations of the Ordinance will be prosecuted to obtain an acceptable remedy. All RPAs and associated buffers that are disturbed without an exception or waiver granted in accordance with the provisions of the Ordinance will be restored on a 2:1 replacement basis.

**Process**

The process will be to document the violation with a Notice Of Violation that states the conditions necessary to bring their site into compliance with the Ordinance. If there is a failure to follow the terms stipulated in the Notice, the County will file suit to take the violator to court where civil penalties of up to \$5000 per day can be assessed. However, if the violator cooperates with all provisions of the Notice and remedies the violation, we will not file suit. An exception would be if we can determine that the violation was intentional as would be the case if we had prior contact with the violator regarding the matter of the RPA restrictions.

**Penalty**

In order to serve as a deterrent, even in the event of a cooperative restoration settlement, civil charges will be sought. Under current state law, the Board of Supervisors must approve all civil charges. The amount of the civil charge recommended will be dependent on the violation's impact on water quality and the degree of non-compliance. Violations that are more severe and will take longer to be restored to an acceptable condition will have larger charges recommended by staff. Violations comprising less than 100 square feet of disturbance or the removal of no more than three trees will not have a civil charge recommended unless there have been prior violations by the violator. The maximum civil charge is \$10,000 per violation.

The following table presents a matrix that will guide staff recommendations on the establishment of a civil charge for a specific violation. The amounts presented are not absolute and are intended to be a guide. Each violation will have several unique characteristics that will require the exercise of judgment in arriving at a civil charge. Charges in each case could vary by up to 100% depending on the specific circumstances involved.

<u>Civil Charge Determination</u>				
Water Quality Impact	Significant	\$5000	\$7500	\$10,000
	Moderate	\$1500	\$3000	\$4500
	Minor	\$500	\$1000	\$1500
		Minor	Moderate	Major
Degree of Non-Compliance				

#### Water Quality Impact

The impact of a given violation will be determined based on several factors. It involves more than just the square footage of impact; it also addresses the relative environmental value of the resource lost. Factors that will be considered as they relate to the violation's impact on water quality include the size of the violation, the number of trees and other vegetation removed, the size and maturity of the vegetation removed, the amount of tree canopy removed, the amount of ground disturbance involved, etc. Mitigating factors that will be considered are whether the vegetation removed would have qualified for removal if a request was made in accordance with the Ordinance. The Ordinance allows for the removal of vegetation weakened by age, storm, fire or other natural causes or vegetation that is dead, diseased or dying. These factors will be used to determine how much of the functional value of the buffer was lost and how long it will take for the function to be recovered.

#### Degree of Non-compliance

This factor will be used to assess the motivation behind the violation. Factors that will be considered in assessing the degree of non-compliance are degree of willfulness, history of non-compliance, and cooperation. Unintentional violations that are cooperatively restored will not be charged the same as intentional violations that are difficult to resolve.

010004471

EXEMPT FROM RECORDATION TAX UNDER VIRGINIA CODE  
SECTION 58.1-811(A)(3), AS AMENDED

DEED OF EASEMENT FOR NATURAL OPEN SPACE

THIS DEED OF EASEMENT, made this 12th day of February, 2001, by and between BUSCH PROPERTIES, INC., a Delaware corporation, and its successors and assigns, ("Grantor") and the COUNTY OF JAMES CITY, VIRGINIA, ("Grantee").

WHEREAS, the Grantor is the owner of certain property known as River Bluffs, Kingsmill East consisting of a tract of land containing 24.607 acres, more or less (the "Property"), more particularly described on a plat by AES Consulting Engineers, dated September 19, 2000, entitled "PLAT OF SUBDIVISION AND BOUNDARY LINE ADJUSTMENT OF RIVER BLUFFS AT KINGSMILL EAST, OWNER/DEVELOPER: BUSCH PROPERTIES, INC., ROBERT'S DISTRICT, JAMES CITY COUNTY, VIRGINIA", recorded in the Clerk's Office for the City of Williamsburg and County of James City in County Plat Book 80, Pages 26 and 27 (the "Plat");

WHEREAS, Grantee has adopted the Chesapeake Bay Preservation Ordinance, Chapter 23 of the James City County Code, as required by Chapter 21 of Title 10.1 of the Code of Virginia to protect the Chesapeake Bay and its tributaries from nonpoint source pollution within the Chesapeake Bay drainage area; and

WHEREAS, the Grantor wishes to preserve land as natural open space as part of Grantor's efforts to improve the quality of storm water runoff from the Property.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee an easement in perpetuity in

JONES, BLECHMAN, WOLTZ & KELLY, P.C.  
460 McLaws Circle, Suite 220  
Williamsburg, Virginia 23185  
PHONE: (757) 259-5700 FAX: (757) 259-5717

HAR 15-0197

MAR 15 2019

JONES, BLECHMAN, WOLTZ & KELLY, P.C.  
460 MCCLAWS CIRCLE, SUITE 220  
WILLIAMSBURG, VIRGINIA 23185  
PHONE: (757) 259-5700 FAX: (757) 259-5717

gross, with the right in perpetuity to restrict the use as described below, of the portion herein described of that certain tract, lot, piece or parcel of land ("Easement Property"), to wit:

7.2 acres designated as "Natural Open Space Easement", to be conveyed to James City County as shown on the "Plat".

The restrictions hereby imposed on the use of the Easement Property, the acts which the Grantor covenants to do or not to do, and the restrictions which the Grantee is hereby entitled to enforce, shall be as follows:

1. No building or structure shall be built or maintained on the Easement Property other than such building or structure approved by the County Engineer, in writing;
2. The Easement Property shall be kept free and clear of any junk, trash, rubbish, or other unsightly or offensive material;
3. No new signs, billboards, outdoor advertising, road or utility lines shall be placed on the property without the expressed written consent of the County Engineer;
4. The Easement Property shall remain in its natural condition with respect to natural leaf litter or other ground-covering vegetation, understory vegetation or shrub layer, and tree canopy. The activities of Grantor within the Easement Property shall be limited to those which do not remove or damage any vegetation or disturb any soil. Such activities include selective trimming and pruning which will not alter the natural character of the Easement Property. Grantor may install walk trails or remove dead, diseased, poisonous or invasive vegetation with the expressed written consent of the County Engineer;

HAR 15 0199

5. Grantee and its representatives may enter upon the Easement Property from time to time for inspection, to enforce the terms of this Easement, and to post a sign or marker identifying Grantee's interest in the Easement Property as natural open space;

6. In the event of a violation of the Easement, the Grantee shall have the right to seek all appropriate legal and equitable relief, including but not limited to: reasonable attorneys' fees and costs; the right to restore the Easement Property to its natural condition; and assess the cost of such restoration as a lien against the Easement Property.

Although this easement in gross will benefit the public in the ways cited above, nothing herein shall be construed to convey a right to the public of access to or use of the Easement Property, except as provided in Paragraph 6, and the Grantor shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Witness the following signatures and seals on the date first above written.

BUSCH PROPERTIES, INC.

By: William B. Voliva, Jr.  
William B. Voliva, Jr., General Manager and  
Executive Vice-President

COMMONWEALTH OF VIRGINIA

City/County of James City, to-wit:

I, Nancy A. Shely, a Notary Public for the Commonwealth of Virginia, do hereby certify that William B. Voliva, whose name is signed to the foregoing Deed, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 15<sup>th</sup> day of February, 2001.

My Commission Expires: 1-31-04

Nancy A. Shely  
Notary Public



JONES, BLECHMAN, WOLTZ & KELLY, P.C.  
460 McLaws Circle, Suite 220  
Williamsburg, Virginia 23185  
PHONE: (757) 259-5700 FAX: (757) 259-5717

The form of this deed of easement is approved and, pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 17th day of May, 1993, this conveyance is hereby accepted on behalf of said County.

2/13/01  
Date

Lee P. Rogers  
County Attorney

COMMONWEALTH OF VIRGINIA

~~City~~/County of James City, to-wit:

I, Mary Frances Rieger, a Notary Public for the Commonwealth of Virginia, do hereby certify that Lee P. Rogers, whose name is signed to the foregoing Deed, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand this 13th day of February, 2001.

Mary Frances Rieger  
Notary Public

My Commission Expires: October 31, 2001.

THIS DEED PREPARED BY:  
JONES, BLECHMAN, WOLTZ & KELLY, P.C.  
460 McLaws Circle, Suite 220  
Williamsburg, VA 23185  
(757) 259-5720

VIRGINIA, City of Williamsburg and County of  
James City, to-wit:  
This Easement was  
presented with certificate annexed and admitted  
to record on 15 March, 2001  
at 3:02 PM in the Clerk's Office of the  
Circuit Court of the City of Williamsburg and County  
of James City.

TESTE: BETSY B. WOOLRIDGE, CLERK

BY Betsy B. Woolridge Deputy Clerk

JONES, BLECHMAN, WOLTZ & KELLY, P.C.  
460 McLaws Circle, Suite 220  
Williamsburg, Virginia 23185  
PHONE: (757) 259-5700 FAX: (757) 259-5717

# CONSENT AND DEDICATION

THE SUBDIVISION OF LAND AND BOUNDARY LINE ADJUSTMENT SHOWN ON THIS PLAT AND KNOWN AS RIVER BLUFFS AT KINGSMILL EAST IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

DATE Sept 26, 2000

William B. Voliva, Jr.  
WILLIAM B. VOLIVA, JR. EXECUTIVE VICE PRESIDENT  
BUSCH PROPERTIES, INC.

## CERTIFICATE OF NOTARIZATION STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY

I, DAVID W. OTEY, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID, GIVEN UNDER MY NAME THIS 26 DAY OF SEPTEMBER, 2000.

My Commission Expires 5/31/2003

David W. Otey  
SIGNATURE

## SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY ANHEUSER BUSCH, INC. TO BUSCH PROPERTIES, INC. BY DEED DATED OCTOBER 24, 1994 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY IN DEED BOOK 714, PAGE 471.

## SURVEYOR'S STATEMENT

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

DATE 9/19/00

Paul W. Michael, Jr.

DATE

PAUL W. MICHAEL, JR. L.S.

## CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE 11/24/01

James City County

DATE

JAMES CITY COUNTY  
SUBDIVISION AGENT

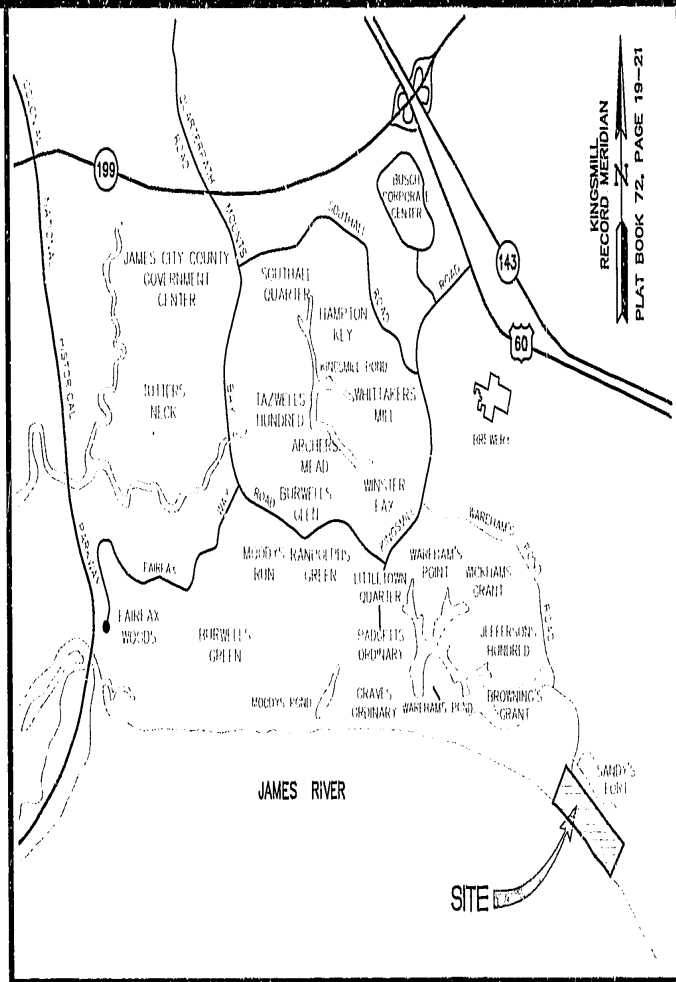
## GENERAL NOTES

1. SITE IS ZONED R-4, RESIDENTIAL PLANNED COMMUNITY.
2. SITE IS PART OF TAX PARCEL (51-3) (1-4).
3. ALL LOTS ARE TO BE SERVED BY PUBLIC WATER OF THE CITY OF NEWPORT NEWS, DEPARTMENT OF PUBLIC UTILITIES, AND SEWER SYSTEMS OF THE JAMES CITY COUNTY SERVICE AUTHORITY.
4. A 7.5' DRAINAGE EASEMENT, UNLESS GREATER WIDTH IS NOTED, PARALLEL TO AND ALONG ALL PROPERTY LINES SHOWN HEREON HEREBY DEDICATED TO BUSCH PROPERTIES, INC.
5. SLOPE RESTRICTIONS SHALL BE IN ACCORDANCE WITH SECTION 19B-5 OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE. ALL LAND DISTURBING ACTIVITIES SHALL BE PROHIBITED ON SLOPES OF 20% OR GREATER UNLESS PERMITTED IN OTHER SECTIONS OF THE ORDINANCE OR BY THE DIRECTOR OF CODE COMPLIANCE.
6. TOTAL AREA SUBDIVIDED: 24.607 AC.

7. JAMES CITY COUNTY COORDINATES INDICATED ON THIS PLAT ARE BASED ON NAD83, AND ARE FOR JCC GIS USE ONLY. METES AND BOUNDS ARE BASED ON KINGSMILL RECORD MERIDIAN.
8. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS SHALL BE PRIVATE.
9. ALL UTILITIES SHALL BE PLACED UNDERGROUND.
10. WETLANDS AND LAND WITHIN THE RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 21-8(c)(1) OF THE JAMES CITY COUNTY CODE.
11. NATURAL OPEN SPACE EASEMENTS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED ON THE DEED OF EASEMENT.

## REFERENCES:

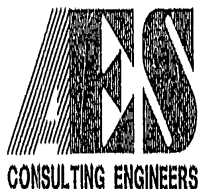
- PLAT BOOK 72, PAGE 19-21  
PLAT BOOK 60, PAGE 42



VICINITY MAP (APPROX. SCALE 1"=2000')

Williamsburg James City County

3:07 PM  
Recorded 8 day of February 2001  
DOCUMENT # 010001811  
Paul W. Michael, Jr.

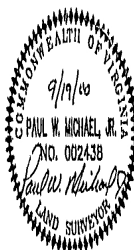


5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
(757) 253-0049  
Fax (757) 220-8994

PLAT OF SUBDIVISION AND  
BOUNDARY LINE ADJUSTMENT OF  
RIVER BLUFFS  
AT KINGSMILL EAST

OWNER/DEVELOPER BUSCH PROPERTIES, INC.

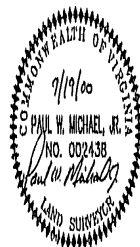
ROBERTS DISTRICT JAMES CITY COUNTY VIRGINIA



No.	DATE	REVISION / COMMENT / NOTE	BY

Designed CAH	Drawn PHM
Scale 1"=100'	Date 8/19/2000
Project No. 7753-0	Drawing No. 1 OF 2

PLAT OF SUBDIVISION AND  
BOUNDARY LINE ADJUSTMENT OF  
RIVER BLUFFS  
AT K. GSMILL EAST  
OWNER/DEVELOPER: BUSCH PROPERTIES, INC.  
ROBERTS DISTRICT      JAMES CITY COUNTY      VIRGINIA

[illegible]

Designed CAH	Drawn PHM
Scale 1"=100'	Date 9/19/2001
Project No. 7753-B	
Drawing No. 2 OF 2	



## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development

SUBJECT: Forge Road Scenic Roadway Protection

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At the February 27, 2024, Board of Supervisors' meeting, Board members expressed concern with how the changes proposed under ORD-22-0001 and the Comprehensive Plan Amendments would be applied. The Board believed those changes should be indefinitely deferred while the possible creation of an Overlay District is considered.

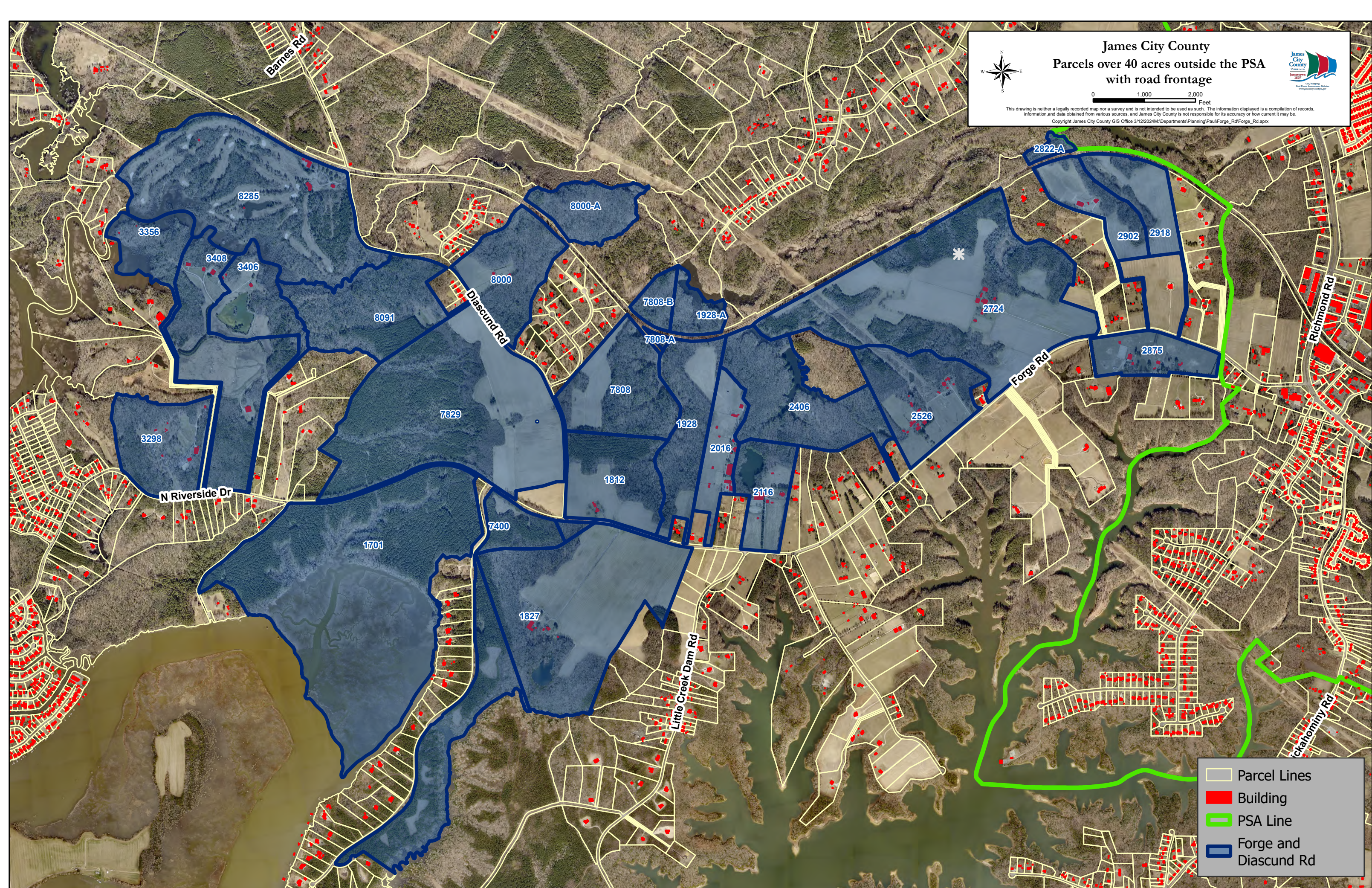
Attached for the Board's consideration is a map showing Forge Road, and its immediate vicinity to include North Riverside Drive and Diascund Road, from Forge Road to the railroad tracks.

Staff looks forward to discussing this item with the Board.

PDH/md  
ForgeRdScRdPro-mem

Attachment  
1. Map







## MEMORANDUM

DATE: March 26, 2024

TO: The Board of Supervisors

FROM: Christopher M. Johnson, Director of Economic Development

SUBJECT: Appointment - Eastern Virginia Regional Industrial Facility Authority

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The Eastern Virginia Regional Industrial Facility Authority (EVRIFA) was formed in 2019 in accordance with the Commonwealth of Virginia's Regional Industrial Facilities Act for the purpose of providing a regional authority mechanism to enhance the economic base of the member localities on a cooperative basis.

Each participating locality is represented on the EVRIFA Board by two Primary members, one elected official and one member appointed by the elected body, and two Alternate members, also appointed by the elected body.

The EVRIFA has a vacancy for an elected official from James City County as a Primary member to fill the balance of Ms. Sue Sadler's four-year term set to expire on February 14, 2027.

CMJ/md  
EVRIFA-Appt24-mem